City of Los Banos
At the Crossroads of California

AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

WEDNESDAY, AUGUST 22, 2018

If you require special assistance to attend or participate in this meeting, please call the Community & Economic Development Department at (209) 827-7000 extension 118 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

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Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 extensión 118 a lo menos de 48 horas previas de la junta.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Community & Economic Development Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

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Cualquier escritura o los documentos proporcionaron a una mayoría del Departamento de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Secretaria del Departamento de Planificación del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL: (Planning Commission Members)

   Cates __, Dees __, Jones __, Limon __, McCoy __, Spada __, Toscano __

4. APPROVAL OF AGENDA.

   Recommendation: Approve the agenda as submitted.

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JULY 11, 2018.

Recommendation: Approve the minutes as submitted.

6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING OF JULY 25, 2018.

Recommendation: Approve the minutes as submitted.

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

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

   A. Public Hearing – to Consider a Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15301 (Existing Facilities) to Allow the Use and Operation of a Home Occupation Business involving Employees within the Low Density Residential Zoning District (R-1) for Reece Blevins dba: Reece's Painting Located at 1845 Chabot Court, More Specifically Identified as Assessor's Parcel Number 083-404-028 **(Continued from August 8, 2018)**.

      1) Planning Commission Resolution No. 2018-15 – Approving Conditional Use Permit #2018-07 for the Use of a Home Occupation with Employees within the Low-Density Residential Zoning District (R-1) Located at 1845 Chabot Court, More Specifically Identified as Assessor's Parcel Number 083-404-028.

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

   B. Public Hearing – to Consider a Statutory Exemption from CEQA Pursuant to Section 15268 (Ministerial Project) and to Consider a Recommendation to the Los Banos City Council to Adopt an Ordinance to Establish the Regulation and Processing of Accessory Buildings and Structures (Shade Canopies, Patio Covers, Sheds, Carports, and Other Outbuildings or Structures) in the Low Density and Medium Density Residential Zoning Districts (R-1 and R-2) **(Continued from August 8, 2018)**.

      1) Planning Commission Resolution No. 2018-14 – Recommending to the City Council Adoption of an Ordinance Amending Article 18, Chapter 3,

of Title 9 of the Los Banos Municipal Code and Adding Article 44 to Chapter 3, Title 9 relating to Accessory Buildings and Structures.

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

C. Public Hearing – to Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Conditional Use Permit to Allow the Variation of the Highway Commercial Sign Standards for Ross Dress for Less Located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A, More Specifically Identified as Assessor's Parcel Number: 083-130-053.

1) Planning Commission Resolution No. 2018-16 – Approving Conditional Use Permit 2018-08 to Allow the Variation of the Highway Commercial Zoning District Sign Standards for Ross Dress for Less Located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A, More Specifically Identified as Assessor's Parcel Number: 083-130-053.

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

D. Public Hearing – to Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Conditional Use Permit to Allow the Operation of a Performing Arts and Fitness Facility (The Academy of Performing Arts & Fitness), Operated by Reginald Grimes, Located in the General Industrial Zoning District at 150 West G Street, Suite I, More Specifically Identified as Assessor's Parcel Number: 081-110-013.

1) Planning Commission Resolution No. 2018-17 – Approving Conditional Use Permit #2018-09 for a Performing Arts and Fitness Facility at 150 W. G Street, Suite I, More Specifically Identified as Assessor's Parcel Number: 081-110-013.

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

9. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

10. COMMISSIONER REPORTS.

A. Cates

B. Dees

C. Jones

D. Limon

E. McCoy

F. Spada

G. Toscano

11. ADJOURNMENT.

APPEAL RIGHTS AND FILING PROCEDURES

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

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

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

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

Sandra Benetti, Planning Technician

Dated this 17th day of August 2018

CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
JULY 11, 2018

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: Vice 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 Limon.

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

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, Associate Planner Rudy Luquin, Planning Technician Sandra Benetti, and City Attorney William A. Vaughn.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 13, 2018. Motion by Limon, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, McCoy, and Toscano absent.

Commissioner Toscano arrived at 7:01 p.m. and took her seat at the dais.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION 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.

Vice Chairperson Spada opened the public forum. PAUL VILLAREAL, Los Banos, spoke of his concern regarding the approvals for Wienerschnitzel and how the City and Planning Commission shouldn't hold up the process because of the aesthetics and color scheme.

Vice Chairperson Spada suggested he speak with the Community & Economic Development Director after the meeting concludes to get information about this project.

Community & Economic Development Director Elms clarified that the Planning Commission did review the color scheme and made a recommendation to the applicant within the realm of their jurisdiction, the reason the business hasn't opened has nothing to do with the exterior paint color, the issue of paint color was between the tenant and property owner, and how the delay is due to non-finalled building permits and other items out of control of the Planning Commission.

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

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR QUAIL WINE BISTRO LOCATED AT 639 NINTH STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 025-112-012. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired if any comments were received.

Associate Planner Luquin responded that no comments had been received.

Vice Chairperson Spada opened the public hearing. MICHAEL NEU, Los Banos, stated that he is the managing member of Quail Wine Bistro LLC and was present for any questions or concerns.

Vice Chairperson Spada welcomed the variety to the community.

Mr. Neu thanked staff for their help and assistance with getting this project going forward.

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

Motion by Dees, seconded by Limon to adopt Planning Commission Resolution No. 2018-13 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2018-06 to the Los Banos City Council to Allow for the Sale of Alcohol Under Type 41 On-Sale of Beer and Wine License at Quail Wine Bistro Located at 639 Ninth Street, APN: 025-112-012. The motion carried by the affirmative action of all Planning Commission Members present; Cates and McCoy absent.

PUBLIC HEARING – TO CONSIDER A STATUTORY EXEMPTION FROM CEQA PURSUANT TO SECTION 15268 (MINISTERIAL PROJECT) AND TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT AN ORDINANCE TO ESTABLISH THE REGULATION AND PROCESSING OF ACCESSORY BUILDINGS AND STRUCTURES (SHADE CANOPIES, PATIO COVERS, SHEDS, CARPORTS, AND OTHER OUTBUILDINGS OR STRUCTURES) IN THE LOW DENSITY AND MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS (R-1 AND R-2). Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that the only public comment received was from Dave Jones in February 2018 who opposed the relief given to those with shade canopy structures.

There was discussion among Commissioners, staff, and legal counsel regarding lot coverage including how other cities have these coverage setbacks, how Los Banos does not have those regulations or standards, this being based on an analysis of other cities, and how there are already standards for fences in the zoning code.

City Attorney Vaughn stated that staff looked at 20-30 other cities throughout the valley and state regarding open space around the home, how every ordinance he read has lot coverage criteria beyond the primary structure, how these are living documents so if it is found that it seems too restrictive, we can adjust this, how swimming pools are accessory structures but are open space and not included in lot coverage calculations, the intent being to maintain the integrity of the residential neighborhood and protect the aesthetics of the neighborhood, maintain and protect property values, and how the intent was to develop criteria and provide guidance.

There was further discussion among Commissioners, staff, and legal counsel regarding the registration requirement process for shade canopies, the removal of such structures upon transfer of property, difference between shade canopies and carports, standards, appeals, and enforcement.

City Attorney Vaughn spoke of how the zoning code doesn't allow structures within the 20 foot front setback, how the City was very lenient and didn't enforce that in the code, trying to allow within the reason the currently existing shade structures and develop reasonable criteria that it won't be a nuisance to the neighborhood, how most cities don't allow shade structures in the front yard at all, and how staff is trying to give relief to the folks that have them but once they move away then the structure will have to be removed.

Vice Chairperson Spada opened the public hearing. OBIE O'BRIEN, Los Banos, spoke regarding having a canopy structure for about 18 years and never had any issues, his is only 28 inches from front property line so he would have to remove his based on this proposed ordinance, his house was built in 1961 with a one car garage that already contains laundry machines, the City needs to accommodate and take care of their people, asked staff to take this into consideration, understands the process but asked to be liberal, and stated that he will not remove his structure.

City Attorney Vaughn suggested that one solution would be to modify the criteria to say 24 inches as long as it doesn't encroach into the vision triangle, how this may help alleviate Mr. O'Brien's issue, we don't want to spend a lot of effort on these types of things, and how this part of the criteria can be adjusted and meet the intent of the ordinance.

JULIAN MEZZINA, Los Banos, asked to see a diagram of a vision triangle for clarification, property line setbacks for shade canopy structures would make it so everyone has to tear down their carports since they are mostly within 12-18 inches of the sidewalk, how busy bodies from somewhere else are complaining about people with carports, concerns regarding limits with shed sizes and heights, and how the City is trying to get rid of all carports.

Vice Chairperson Spada inquired if staff has taken measurements.

City Attorney Vaughn spoke of how staff proposed a five feet as a setback at the meeting in January, how it was reduced due to it being a concern to be a visual hazard, how staff is trying to come up with criteria that will make sense, and stated that staff did not measure all 60 structures that we viewed.

Vice Chairperson Spada spoke of his concern about this being a hardship for some folks.

City Attorney Vaughn spoke of how staff can look at it like a hardship, how staff has clear direction from the City Council and we are trying to address it, how most people meet this criteria but there may be some who can't meet this criteria, can maybe build something into this ordinance to deal with that, most cities in the valley do not allow these at all, we want to ensure we are in the norm with what other cities are doing, it is relevant to what we do, if Planning Commission wants staff to build in a hardship process for shade canopy structures then you can suggest that in motion to the City Council, this ordinance isn't saying you can't have a shed, it's just saying that the taller the shed then the further from the property line that it needs to be, and how this ordinance allows for what a typical homeowner wants to do in their front and back yards.

GODINA VILLA, 372 Chestnut Street, spoke of living here since 1995, how he received a warning from Code Enforcement, content to see that Planning Commission is taking into consideration residents' desires, has several drivers in his home, wants to protect his vehicles using a shade canopy, how his structure is 18 inches from sidewalk but seems to not qualify under this criteria, suggested taking those into consideration who can't meet the setback requirement, there has to be some empathy since it wasn't enforced for years, hoping to grandfather those who are showing up to the meetings, and thanked staff for trying to help.

City Attorney Vaughn spoke of how the worst case scenario may be that you would have to move it forward closer to your house, 18 inches is the setback between the house and the shade canopy structure, and we are now proposing that the Planning Commission considers some type of hardship process for shade canopy structures.

Mr. Villa stated that he would like to be notified of the meeting at the City Council level.

TONY TURANGO, 327 Chestnut Street, suggested keeping the criteria general and if the structure is aesthetically fine and in good repair, and maybe make it easier on others.

No one else came forward to speak.

Vice Chairperson Spada spoke of how Los Banos does have its own feel and it's a community we are proud of, agreed with the folks who are here tonight, how our town will change to some degree as it grows, staff should do something to make it clean and clear to those coming in, we want to try to accommodate you as best we can, suggested modifying the front setback requirement for shade canopy structures to 12" and abiding by the vision triangle requirement and also adding a hardship criteria.

Commissioner Dees commented that the rule should be 3 feet, how it should be considered a hardship, and we shouldn't back off from the setback.

City Attorney Vaughn suggested that maybe the alternative is to ask staff to resolve this part of the ordinance and bring it back to the Planning Commission with language for a hardship process and give more thought and analysis with alternatives to hopefully meet the needs of those who have these.

Commissioner Toscano spoke of her discontent with infringing on private property rights, how Los Banos demographics have changed a lot, don't like the way it has changed, how her job is to put standards in, and how people should have pride in maintaining their property.

Community & Economic Development Director Elms asked the Planning Commission to give staff time to bring something back to the Planning Commission on August 8th.

Motion by Jones, seconded by Limon to continue the Public Hearing – to Consider a Statutory Exemption from CEQA Pursuant to Section 15268 (Ministerial Project) and to Consider a Recommendation to the Los Banos City Council to Adopt an Ordinance to Establish the Regulation and Processing of Accessory Buildings and Structures (Shade Canopies, Patio Covers, Sheds, Carports, and Other Outbuildings or Structures) in the Low Density and Medium Density Residential Zoning Districts (R-1 and R-2) to the Planning Commission Meeting on August 8, 2018. The motion carried by the affirmative action of all Planning Commission Members present; Cates and McCoy absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms reported that there will be a joint Planning Commission and City Council meeting on July 25th at 6:00 p.m. at the Police Annex for Planning Design facilitated by PlaceWorks regarding residential neighborhood designs.

Community & Economic Development Director Elms sent condolences on behalf of the City and Planning Commission to Commissioner McCoy for the loss of his family member.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Absent.

DEES: No report.

JONES: No report.

LIMON: No report.

McCOY: Absent.

SPADA: No report.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:40 p.m. to Conduct a Joint Study Session with the City Council regarding Planning Design at 6:00 p.m., Wednesday, July 25, 2018 at the Los Banos Police Annex located at 535 J Street, Los Banos, California.

APPROVED:

_____
John Cates, Chairperson

ATTEST:

_____
Sandra Benetti, Planning Technician

CITY OF LOS BANOS
ADJOURNED JOINT CITY COUNCIL/
PLANNING COMMISSION MEETING MINUTES
JULY 25, 2018

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council and 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 – CITY COUNCIL: Mayor Villalta called the Adjourned Joint City Council/Planning Commission Meeting to order at the hour of 6:03 p.m.

CALL TO ORDER – PLANNING COMMISSION: Chairperson Cates called the Adjourned Joint City Council/Planning Commission Meeting to order at the hour of 6:03 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Commander Reyna.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Mayor Mike Villalta and City Council Members Deborah Lewis and Scott Silveira; Tom Faria, Daronica Johnson-Santos absent.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Chairperson John Cates and Commissioners David Dees, Brett Jones, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano.

STAFF MEMBERS PRESENT: City Manager Alex Terrazas; City Attorney William A. Vaughn; Police Commander Ray Reyna, Jr.; Community & Economic Development Director Elms; and Planning Technician Sandra Benetti.

CONSIDERATION OF APPROVAL OF AGENDA – CITY COUNCIL: Motion by Silveira, seconded by Lewis to approve the agenda as submitted. The motion carried by the affirmative action of all City Council Members present; Faria (arrived at 6:06 p.m.) and Johnson-Santos absent.

CONSIDERATION OF APPROVAL OF AGENDA – PLANNING COMMISSION: Motion by Spada, seconded by McCoy to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commissioners present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL AND PLANNING COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY COUNCIL AND PLANNING COMMISSION; INCLUDING AGENDA AND NON-AGENDA ITEMS. NO ACTION

WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION.

Planning Commission Chairperson Cates opened the public forum. No one came forward to speak and the public forum was closed.

JOINT STUDY SESSION TO DISCUSS PLANNING DESIGN FOR THE REVIEW OF NEW NEIGHBORHOODS.

Council Member Faria arrived at 6:06 p.m.

Joanna Jansen and Randy Jackson, PlaceWorks, facilitated the study session, which included a PowerPoint presentation.

There was discussion among Council Members, Planning Commissioners, staff, and consultants regarding trends in comparison to state and national levels including population change, decrease of household income, single family detached homes being a majority of the type of homes in Los Banos, population aging, how non-family households are growing very rapidly, and how median household income has dropped.

There was further discussion among Council Members, Planning Commissioners, staff, and consultants regarding older building industry paradigms versus newer building industry paradigms, understanding the market and building for it, building a more robust community by integrating several different types of neighborhoods, different house designs and floor plans, density and life-style driven site planning, multi-family options, how multi-family houses and downtowns do well when they are tied to each other, Los Banos being a bedroom community, the importance and necessity of the downtown revitalization plan and economic development strategic plan, how Clovis has done a great job integrating historical characteristics into residential development pulled from downtown, Tustin's Mixed Use Village, and Chino's Envisioning Chino: Implementing the 2015 General Plan which brings residential housing to the downtown,

Mayor Villalta expressed interest in doing a joint City Council & Planning Commission meeting field trip to visit communities within 100 miles if PlaceWorks can facilitate that.

Mr. Jackson confirmed PlaceWorks' involvement and asked the City Council and Planning Commission to think of ways to incorporate policies to help their vision.

Mayor Villalta stressed the importance of the Planning Commission and City Council to come together and visit these communities so they can design Los Banos the way they want to, the need to arrange a road trip in the near future to visit these communities, the need to review developments in the pipeline and talk to developers to see if they can be brought up to date, and encouraged everyone to look around town and keep staff informed of anything that needs to be taken care of or fixed for the betterment of Los Banos.

Commissioner Spada spoke of his interest in having this kind of forum with Planning Commission and City Council to talk about economic development as well and how that is key to bringing the people and jobs to get our community to where we want it.

Commissioner Limon inquired if there is a rail trail plan.

City Manager Terrazas responded that the City does have a Rail Corridor Regulating Plan and how it's worth looking at and revising.

Mayor Villalta emphasized the need to schedule this tour and also meet together as one body more often.

Commissioner Dees spoke of the Downtown Association holding an envisioning of downtown and how this group should look at that too.

Community & Economic Development Director Elms stated that there will be a presentation to City Council on this Downtown Revitalization Plan on September 19th.

Mayor Villalta invited the Planning Commission to attend the presentation to City Council on September 19th.

Community & Economic Development Director Elms spoke of how the Economic Development Advisory Commission (EDAC) is working on the Economic Development Element of the General Plan.

City Manager Terrazas commented that after EDAC does their part, we should have the Planning Commission and City Council have a look at it.

Mayor Villalta spoke of how Greg Hostetler, local developer, pledged up to $1 million in matching funds for downtown revitalization at a downtown meeting and how it is important to move forward as one body.

Council Member Lewis spoke of how the Downtown Association's committee is also creating a color palette for downtown buildings and property owners to follow to maintain the uniform historical look and feel and to bring back the vibrancy of downtown.

Commissioner Toscano stated that there is a need to work on the entrance to downtown and how having several tow trucks at that entrance does not help bring the ambiance that the downtown wants to provide.

Discussion item only; no action taken.

ADJOURNMENT – CITY COUNCIL: The meeting was adjourned at the hour of 7:51 p.m.

ADJOURNMENT – PLANNING COMMISSION: The meeting was adjourned at the hour of 7:51 p.m.

APPROVED:

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John Cates, Planning Commission Chairperson

ATTEST:

_____

Sandra Benetti, Planning Technician

City of Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER

DATE: AUGUST 22, 2018

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT (CUP #2018-07) TO ALLOW FOR THE USE AND OPERATION OF A HOME OCCUPATION BUSINESS INVOLVING EMPLOYEES WITHIN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT (R-1) LOCATED AT 1845 CHABOT COURT: 083-404-028

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-15 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approval of Conditional Use Permit #2018-07 to allow the use and operation of a Home Occupation involving employees within the Low Density Residential Zoning District (R-1) for Reece Blevins dba: Reece's Painting located at 1845 Chabot Court, APN 083-404-012.

PROJECT BACKGROUND/DESCRIPTION:

On July 11, 2018, the applicant, Reece Blevins, (d.b.a Reece's Painting), has requested a Conditional Use Permit to allow the use and operation of a Home Occupation Business with employees within the Low Density Residential Zoning District (R-1) located at 1845 Chabot Court, APN: 083-404-012.

Reece's Painting has been a home occupation business servicing Los Banos for roughly 17 years. The business generally operates five (5) days a week, Monday through Friday dependent upon contracts with (2) to four (4) employees on a seasonal and/or contract basis. The employees will report to the specified job site and not to the residence. Paint materials will be delivered to the job sites and never at the residence. No customers will be allowed at any time at the residence and all billing will be done at the job site or by mail. There is a room within the residence that will be used as an office for the business. All of the painting operations will be conducted at job sites. The residential dwelling is the first and primary use to the residential structure and the home

occupation business is incidental to primary residential use. The property is located within the Low Density Residential Zoning District (R-1). The intended home occupation business is an allowed use and the home occupation business involving employees is a use permitted subject to the attainment of a Conditional Use Permit and are both consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 6 Low Density Residential Zoning District and the Los Banos General Plan.

LOCATION AND ACCESS:
The project site is located at 1845 Chabot Court Assessor's Parcel Number: 083-404-028. The project site is located within the Low Density Residential Zoning District (R-1).

LAND USE:

Property	Land Use	Zone	General Plan
Project site	Low Density Residential	R-1	Low Density Residential
North	Low Density Residential	R-1	Low Density Residential
South	Low Density Residential	R-1	Low Density Residential
East	Low Density Residential	R-1	Low Density Residential
West	Low Density Residential	R-1	Low Density Residential

R-1 = Low Density Residential

ENVIRONMENTAL ASSESSMENT:
Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for a home occupation business involving employees involves the permitting and licensing of an existing private residential structure and involves no

expansion or alerting of the residential structure and existing residential use a at 1845 Chabot Court, APN 083-404-028.

USE PERMIT ANALYSIS

CODE REQUIREMENTS

Home Occupations are permitted uses in the Low Density Residential (R-1) District and do not require Planning Commission approval. The proposed home occupation is consistent with the requirements set forth in Section 9-3.201. However, the applicant plans to hire seasonal employees, which requires a Conditional Use Permit pursuant to the Los Banos Municipal Code Section 9-3.603(d). In which the Planning Commission is the decision making body for Conditional Use Permits regarding Home Occupation Businesses involving employees. Pursuant to Section 9-3.2326 of the Los Banos Municipal Code, before any Conditional Use Permit may be granted, the Planning Commission shall make the following findings:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;

a. The General Plan land use designation for the project site is Low Density Residential, which permits the development of single family residential dwelling units and accessory structures and uses incidental to the primary residential use.

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

ECONOMIC DEVELOPMENT POLICY ED-G-1:
Help create jobs and improve job quality for existing and future Los Banos residents.

ECONOMIC DEVELOPMENT POLICY ED-G-7:
Seek and promote particular business or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

Evidence/ Analysis: The proposed home occupation business will help serve the needs of the community at large. In addition, the proposed Home Occupation Business involving employees is consistent with the General Plan economic development policies as set forth above.

b. The zoning designation for the project site is Low Density Residential (R-1). The purpose of the Low Density Residential Zoning District is to provide a district exclusively for the development of single family residential dwelling units and accessory structures and uses incidental to the primary residential use.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9 Chapter 3 Article 6 Low Density Residential Zoning District and the proposed home occupation use will be compatible with existing and surrounding

uses similar in residential nature. The proposed use is also less intensive as there shall be no clients or employees allowed at the residence.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;

   The proposed Home Occupation Business use is a permitted use in residential zones, however the applicant is proposing to hire seasonal employees and thus a Conditional Use Permit is required for a home occupation that involves employees. A Home Occupation Business is an accessory and incidental use to the primary residential dwelling use. No clients and/or customers and employees of the business shall be allowed at the residence and conditions of approval have been incorporated to ensure that the proposed Home Occupation Business with employees will not be a nuisance or detrimental to the neighboring area or persons residing within the neighboring area.

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

   The proposed Home Occupation Business involving employees will be compatible with the surrounding neighborhood as the proposed home occupation is an accessory and incidental use to the primary residential dwelling. All of the business operations and services, other than administrative and clerical functions similar to those of a home office, shall be conducted at the job sites. Customers, employees, and signage will not be permitted at the residence. Conditions of approval have been incorporated to ensure that the Home Occupation Business involving employees is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

PUBLIC COMMENT:
A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on July 27, 2018. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan – ED-G-1, ED-G-7,

Los Banos Municipal Code – Section 9-3.602, Section 9-3.603, Section 9-3.2326

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-15 finding

the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approval of Conditional Use Permit #2018-07 to allow the use and operation of a Home Occupation involving employees within the Low Density Residential Zoning District (R-1) for Reece Blevins dba: Reece's Painting located at 1845 Chabot Court, APN 083-404-012.

ATTACHMENTS:

1. Resolution 2018-15
   Exhibit A CEQA Findings
   Exhibit B Project Findings
   Exhibit C Conditions of Approval
2. Floor Plan
3. Site Photos
4. Public Hearing Notice – July 27, 2018

RESOLUTION No. 2018-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT 2018-07 FOR THE USE OF A HOME OCCUPATION WITH EMPLOYEES WITHIN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT (R-1) LOCATED AT 1845 CHABOT COURT, APN 083-404-012

WHEREAS, Reece Blevins (dba Reece's Painting) has requested a Conditional Use Permit to allow the operation of a Home Occupation Business involving employees within the Low Density Residential Zoning District (R-1) located at 1845 Chabot Court, more specifically identified as Assessor's Parcel Number: 083-404-012; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on July 27, 2018 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Use Permit criteria established in Section 9-3.2326 of the Los Banos Municipal Code; and

WHEREAS, Conditional Use Permit #2018-07 has been determined to be categorically exempt from the provisions of the California Environmental Quality Act pursuant Article 19, Section 15301, Existing Facilities; and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2018-07 to permit the use of a Home Occupation Business License involving employees within the Low Density Residential Zoning District (R-1) located at 1845 Chabot Court, specifically identified as Assessor's Parcel Number: 083-404-012, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of August 2018 by Planning Commissioner_____ who moved its adoption, which motion was duly seconded by Planning Commissioner_____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

John Cates, Planning Commission Chairman

ATTEST:

_____

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2018-07 – REECE BLEVINS

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds the proposed use of a Home Occupation Business involving employees appropriate for the Low Density Residential Zoning District located at 1845 Chabot Ct. as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Conditional Use Permit #2018-07 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA pursuant to Article 19, Section 15301 Existing Facilities, as the Home Occupation Business involving employees is an accessory and incidental use to the primary use of the residential dwelling unit and no intensifications, alterations, impacts on the surrounding environmental resources are expected to occur.

2. Conditional Use Permit 2018-07 was adequately noticed and circulated for public review and comment on July 27, 2018 for consideration at a public meeting on August 8, 2018 and no comments were received.

3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.

4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2018-07 – REECE BLEVINS

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

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;

a. The General Plan land use designation for the project site is Low Density Residential, which permits the development of single family residential dwelling units and accessory structures and uses incidental to the primary residential use.

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

ECONOMIC DEVELOPMENT POLICY ED-G-1:
Help create jobs and improve job quality for existing and future Los Banos residents.

ECONOMIC DEVELOPMENT POLICY ED-G-7:
Seek and promote particular business or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

Evidence/ Analysis: The proposed home occupation business will help serve the needs of the community at large. In addition, the proposed Home Occupation Business involving employees is consistent with the General Plan economic development policies as set forth above.

b. The zoning designation for the project site is Low Density Residential (R-1). The purpose of the Low Density Residential Zoning District is to provide a district exclusively for the development of single family residential dwelling units and accessory structures and uses incidental to the primary residential use.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9 Chapter 3 Article 6 Low Density Residential Zoning District and the proposed home occupation use will be compatible with existing and surrounding uses similar in residential nature. The proposed

use is also less intensive as there shall be no clients or employees allowed at the residence.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;

   The proposed Home Occupation Business use is a permitted use in residential zones, however the applicant is proposing to hire seasonal employees and thus a Conditional Use Permit is required for a home occupation that involves employees. A Home Occupation Business is an accessory and incidental use to the primary residential dwelling use. No clients and/or customers and employees of the business shall be allowed at the residence and conditions of approval have been incorporated to ensure that the proposed Home Occupation Business with employees will not be a nuisance or detrimental to the neighboring area or persons residing within the neighboring area.

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

   The proposed Home Occupation Business involving employees will be compatible with the surrounding neighborhood as the proposed home occupation is an accessory and incidental use to the primary residential dwelling. All of the business operations and services other than administrative and clerical functions similar to those of a home office; shall be conducted at the job sites. Customers, employees, and signage will not be permitted at the residence. Conditions of approval have been incorporated to ensure that the Home Occupation Business involving employees is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2018-07 – REECE BLEVINS

Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.

2. Conditional Use Permit #2018-07 is for a Home Occupation Business involving employees for Reece's Painting located at 1845 Chabot Court; more specifically identified as Assessor's Parcel Number: 083-404-012. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission, this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

3. Subject to and in addition to these Conditions of Approval, Conditional Use Permit #2018-07 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, staff report and exhibits.

4. No customers, employees or signage are allowed at the premises of 1845 Chabot Ct.; it is to be utilized as a home office only.

5. The applicant shall comply with all applicable City ordinances specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.

6. The Planning Commission reserves the right to review and/or revoke this Conditional Use Permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.

7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this Use Permit, or the environmental determination rendered in connection with the Use Permit approval, or arising out of the operation of the use or

uses allowed under the Use Permit, save and except that caused solely by the City's active negligence.

8. The premises shall be operated as a Home Occupation Business as described and in conformance with the application prepared by the applicant and filed with the Community and Economic Development Department. Any new use or modification/expansion of uses shall be subject to the prior review and approval of the Planning Commission.

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

10. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2326 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

11. If the use is discontinued for a period of twelve (12) months, this Conditional Use Permit shall lapse and become void.

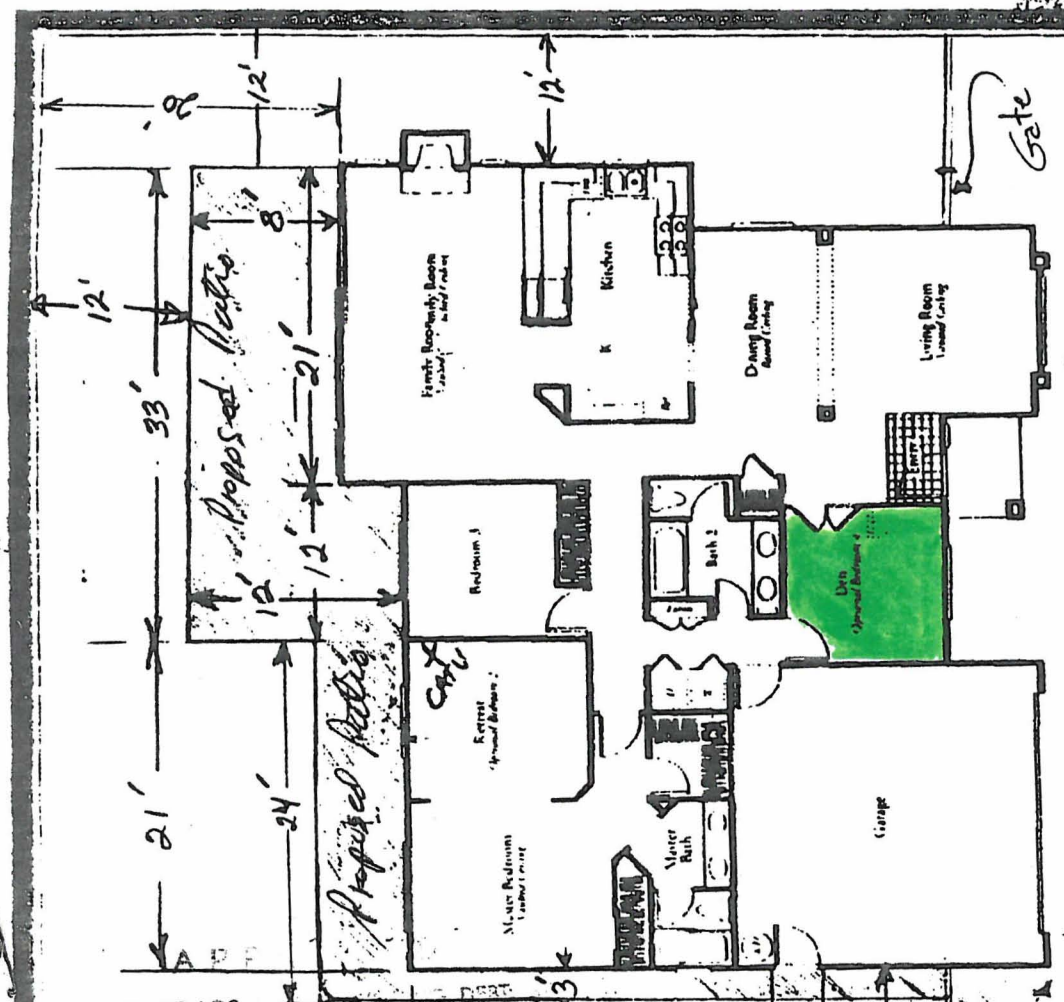
12. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:

    a. Conditions of approval have not been fulfilled;

    b. A significant change or intensification of the approved use;

    c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

13. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**



Manuel Gardea
1845 Chabot Court
Los Banos Cal 93635

RECEIVED
MAR 10 1996
CITY OF LOS BANOS

Approx

0 • *
537 • *I
105 • +I
105 • *
3 • x
35 • =
120 • +I
120 • *
5 • =
24 • x
144 • +I
144 • *
12 • =
12 • x
168 • +I
168 • *
8 • =
21 • x

Back & side
537 sq. ft.

This area to be in concrete from r/of fence line to drive-way
Approx 24x14 = 336 sq. ft.
33x14 = 462
33x15 = 495

CITY OF LOS B... DEPT.

All construction shall be in accordance with approved plans and specifications and shall not be changed, modified or altered without approval of the Building official.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation of any ... provisions of the City of Los Banos Building Code adopted by the City Co... shall it prevent the Building official ... errors in said plans or from preventing building operations being carried on there under when in violation of the Building Code.

Date 4-1-96 By [signature]

1845 Chabot Ct
Chabot Ct

City of Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: July 27, 2018

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-07 – Reece's Painting

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) to allow the use and operation of a Home Occupation Business involving employees within the Low Density Residential Zoning District (R-1) for Reece Blevins dba: Reece's Painting. The requested Conditional Use Permit is for Reece Blevins' residential property located at 1845 Chabot Court, more specifically identified as Assessor's Parcel Number 083-404-028.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 8, 2018, 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 Rudy Luquin, Associate Planner, at City Hall or at (209) 827-7000 ext. 114.

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

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

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner

City of Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES & PLANNING COMMISSIONERS

FROM: STACY SOUZA ELMS, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

DATE: AUGUST 22, 2018

SUBJECT: PROPOSED ACCESSORY BUILDINGS AND STRUCTURES ORDINANCE REVISIONS

RECOMMENDATIONS:

1. That the Planning Commission adopt Resolution No. 2018-14 recommending adoption to the City Council to amend article 18, Chapter 3 of Title 9 of the Los Banos Municipal Code and adding Article 44 to Chapter 3, Title 9 relating to accessory buildings and structures.

BACKGROUND:

On July 11, 2018, the Los Banos Planning Commission was presented the proposed Accessory Buildings and Structures Ordinance. During the public hearing, comments were received regarding the request to consider reducing setbacks for the relief of existing shade canopies and to consider providing a process for minor adjustments due to hardship. The Planning Commission continued the public hearing and directed the Community and Economic Development Department to analyze providing relief for the issues discussed during the public hearing.

Staff has analyzed this request and has prepared a revision to the proposed Accessory Buildings and Structures Ordinance for Planning Commission consideration. The revisions are highlighted in blue for reference attached to this staff report (Attachment 2) and a summary of the revisions is provided below.

DISCUSSION:

Shade canopy or shade canopy structures in existence on a residential lot in the front setback prior to January 1, 2018 were revised with the following criteria:

- Detached from principal residential dwelling;
- Constructed of metal or wood material frame;
- Peaked roof;
- Secured directly into a concrete driveway;
- Matches or compliments the exterior color of the principal residential dwelling;
- Located at least 12" from front and side property lines;
- Completely open on all sides;
- Located directly over a City approved driveway/hardscape;
- Does not exceed a height of 15';
- Does not exceed 50% frontage;
- Is not located in the public right-of-way and is located outside of the clear vision triangle.

Minor Adjustments.

- Applicable to all accessory buildings and structures
- CED Director may grant minor adjustments to prevent unnecessary hardship as a result of strict and literal interpretation and enforcement of certain regulations required.
- Limited to the following exceptions from site standards:
    - Height: Up to 10% increase in the allowed height;
    - Setbacks: Up to a 25% reduction in the required front, side, or rear setbacks;
    - Separation between structures: Up to a 15% exception from the separation requirement between accessory structures on the same property;
    - Lot Coverage: Up to a 15% increase of the total allowable lot coverage.

ATTACHMENTS

1. Resolution 2018-14
2. Proposed Ordinance Amendment (Redline Version)

RESOLUTION NO. 2018-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING ARTICLE 18 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE AND ADDING ARTICLE 44 TO CHAPTER 3 TITLE 9 RELATING TO ACCESSORY BUILDINGS AND STRUCTURES

WHEREAS, accessory buildings and structures are a permitted use in the R-1 and R-2 residential zoning districts within the City; and

WHEREAS, the Los Banos Municipal Zoning Code does not have general regulations specific to accessory buildings and structures as to design, location and setbacks; and

WHEREAS, the lack of general regulations specific to accessory buildings and structures has caused confusion for property owners as to the zoning and building code requirements for an accessory buildings and structure in the R-1 and R-2 residential zoning districts within the City.

WHEREAS, on July 11, 2018 and August 22, 2018, the Planning Commission conducted a duly noticed public hearing on a proposed ordinance relating to accessory buildings and structures at which time all individuals desiring to comment on the proposed ordinance were heard; and

WHEREAS, the proposed ordinance is attached hereto and incorporated herein by this reference as Attachment A; and

WHEREAS, the proposed ordinance does 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 the proposed ordinance 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 15061 (b)(3) and is not subject to environmental review.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend that the City Council of the City of Los Banos consider and approve the attached Ordinance of The City Council of the City Of Los Banos Amending Article 18 Chapter 3 of Title 9 of the Los Banos Municipal Code and Adding Article 44 to Chapter 3 Title 9 Relating to Accessory Buildings and Structures.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of August 2018, by Planning Commissioner _____who moved its adoption, which motion was duly

seconded by Planning Commissioner _____and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
John Cates, Planning Commission Chairman

ATTEST:

_____
Sandra Benetti, Planning Commission Secretary

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING ARTICLE 18 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE AND ADDING ARTICLE 44 TO CHAPTER 3 TITLE 9 RELATING TO ACCESSORY BUILDINGS AND STRUCTURES

WHEREAS, the City Council of the City of Los Banos finds and declares that Chapter 3 of Title 9 of the Los Banos Municipal Code, relating to accessory buildings and structures requires updating and revision; and

WHEREAS, accessory buildings and structures are a permitted use in the R-1 and R-2 residential zoning districts within the City; and

WHEREAS, the Los Banos Municipal Zoning Code does not have general regulations specific to accessory buildings and structures as to design, location and setbacks; and

WHEREAS, the lack of general regulations specific to accessory buildings and structures has caused confusion for property owners as to the zoning and building code requirements for an accessory buildings and structure in the R-1 and R-2 residential zoning districts within the City.

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

Section 1: Sections 9-3.1803, 9-3.1804, 9-3.1805, and 9-3.1807 are hereby repealed.

Section 2: Article 44 of Chapter 3 of Title 9 of the Los Banos Municipal Code shall be added to read as follows:

TITLE 9 PLANNING AND ZONING
CHAPTER 3 ZONING
ARTICLE 44 ACCESSORY STRUCTURES
IN RESIDENTIAL R-1 and R-2 ZONING DISTRICTS

Sec. 9-3.4401. Purpose and Applicability.

The purpose of this Article is to establish standards to regulate attached and detached accessory buildings and structures, in the R-1 and R-2 residential zoning districts within the City, to ensure that such buildings and structures: (i) do not create public safety or public nuisance issues; (ii) do not create an adverse aesthetic from street rights-of-way or adjacent/neighboring properties; and (iii) do not create an adverse impact to adjacent parcels or the surrounding neighborhood. The intent of these regulations is to

complement the requirements and standards of the City's adopted building code and fire code.

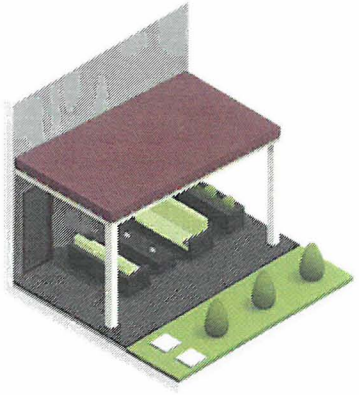
Sec. 9-3.4402. Definitions. For the purposes of this Article unless otherwise apparent from the context, certain words and phrases in this Article are defined below.

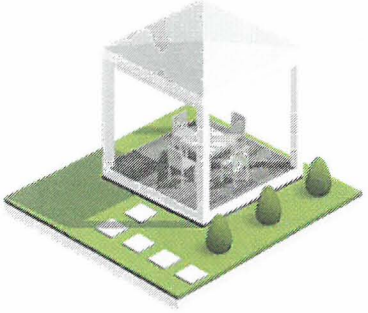
"Accessory building or structure" means an attached or detached building or structure, permanent or temporary, the use and size of which is necessarily and customarily associated with, and incidental and subordinate to that of the principal dwelling on the same lot. Examples of accessory buildings or structures include, but are not limited to: a detached garage, a tool shed, a storage shed, a carport, a shade canopy structure, a greenhouse, a gazebo, a pergola, a patio cover, a landscape feature, a deck, a recreational structure, and or a swimming pool. Second dwelling units (as defined in Sec. 9-3.3002) are not considered an accessory building or structure for the purposes of this Article.

"Carport" means an attached or detached permanent roofed structure used for shielding or protection of vehicles.

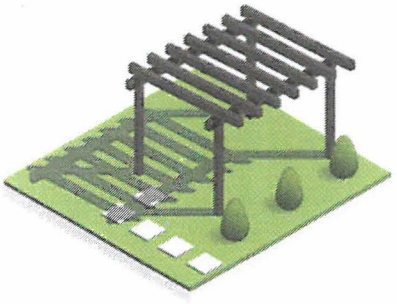
"Enclosed" means closed on all sides such as an outdoor room with walls or windows.

"Patio cover means an attached or detached structure that provides shade and/or rain coverage for a patio or deck. A patio cover may have an open or solid roof. Open on at least three (3) sides.

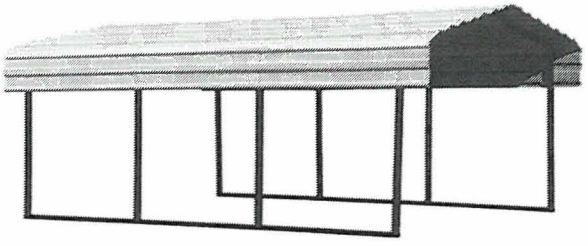




"Pergola" means a freestanding structure with an open roof that is supported by columns or posts. A pergola may be used to cover a walkway or to provide filtered shade for an outdoor living space. Open on at least three (3) sides.



"Shade Canopy or Shade Canopy Structure" means a detached roofed structure consisting of a sheet of metal or flexible material, fabric, or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, or plastic or any other similar material, and used for the shielding or protection of vehicles or other equipment stored outside. Shade canopy structures include but are not limited to prefabricated canopies ready-made for simple assembly and canopies which are built, constructed, or composed of parts joined together in some definite manner.



"Unenclosed" means open on at least three (3) sides.

Sec. 9-3.4403. Accessory Buildings or Structures in General.

(a) An accessory building or structure shall only be constructed concurrent with or after the construction of the primary residence on the same site. No accessory building or structure is permitted unless a principal residential dwelling exists and is occupied for the use intended. If the principal residential dwelling is destroyed or demolished the property owner shall within ninety (90) days apply for an administrative permit to allow

an existing accessory building or structure to remain on the site. In the case of destruction or demolition of the principal residential dwelling the existing accessory building or structure may be allowed to remain on the site for twenty four (24) months and an extension of twelve (12) months if a building permit has been issued for the construction of the principal residential dwelling.

(b) An accessory building or structure shall be necessarily and customarily associated with, incidental and subordinate to the primary residential use of the site and shall not alter the character of the primary use.

(c) It shall be the responsibility of the Community and Economic Development Director to determine if a proposed accessory building or structure is necessarily and customarily associated with, incidental, and subordinate to the principal residential dwelling.

Sec. 9-3.4404. General Requirements. Except as otherwise specifically set forth in Section 9-3.4405 all accessory buildings or structures in the R-1 and R-2 residential zoning districts within the City are subject to the following standards.

(a) Lot coverage. A single accessory building or structure shall not occupy more than thirty percent (30%) of the required rear yard area, nor shall all such accessory buildings or structures collectively occupy more than fifty percent (50%) of the required rear yard area. The required rear yard area is defined as that area of the property between the rear property line and the required rear yard setback line for the principal residential dwelling. The total coverage for all buildings, including the principal residential dwelling, and all accessory buildings or structures, parking areas, driveways and patios shall not exceed seventy percent (70%) of the entire lot. Back and Side Yard Patio Covers, Front Yard and Back Yard Landscape Features, Swimming Pools, and Play Equipment, shall not be included in the lot coverage calculations.

(b) Location.

1. Accessory buildings or structures shall be located on the same lot as the principal residential dwelling.

2. No accessory building or structure shall be attached to a boundary fence or wall.

3. Except as set forth in Section 9-3.4405 no accessory building or structure shall be located in the front of the house regardless of setback requirements.

4. Enclosed accessory buildings or structures of one hundred twenty (120) square foot or less shall have a minimum separation of three feet (3') from the principal residential dwelling or any other enclosed building or structure on the lot. Increased separation requirements may be applicable to habitable buildings or structures as provided in the building and fire codes.

5. Enclosed accessory buildings or structures greater than one hundred twenty (120) square feet shall have a minimum separation of six feet (6') from the principal residential dwelling or any other enclosed building or structure on the lot. Increased separation requirements may be applicable to habitable buildings or structures as provided in the building and fire codes.

(c) Setbacks and height limitations.

1. Enclosed accessory buildings or structures of one hundred twenty (120) square foot or less of area and not exceeding ten feet (10') in height must be set back from the rear or side property line a minimum of one foot (1') six inches (6") as measured from the wall or eave of the accessory structure, whichever is closer to the property line.

2. Enclosed accessory buildings or structures greater than one hundred twenty (120) square feet of area or greater than ten feet (10') in height, but not exceeding fifteen feet (15') in height, must be setback from the rear and side property lines a minimum of three feet (3') as measured from the wall or eave of the accessory structure, whichever is closer to the property line. For each foot in height above ten feet (10') the three foot (3') setback from the rear and side property lines shall be increased by one foot (1').

3. Accessory buildings or structures exceeding fifteen feet (15') in height are subject to Conditional Use Permit approval by the Planning Commission. The Commission may conditionally approve or deny a use permit for an accessory building or structure exceeding fifteen feet (15') in height if it finds that said building or structure may have a demonstrated reduction of privacy on adjoining properties, a negative aesthetic effect on adjoining properties, a reduction in air flow onto adjoining properties, or the shading of an adjoining property that may reduce vegetative use or solar access of said property.

(d) Design. Accessory buildings or structures greater than one hundred twenty (120) square feet of area shall share compatible architecture, material, and surface textures and colors as the principal residential dwelling.

(e) Building Permit. All accessory structures require building permits except as noted in the 2013 California Building Code (CBC) section 105.2 "Work exempt from permit", which specifies no building permit is required for "One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet". However, a permit is required for any electrical, plumbing or mechanical that is run to, or installed in, an accessory structure even if the structure does not exceed one hundred twenty (120) square feet. All accessory buildings or structures must comply with the provisions of this Article whether or not a building permit is required.

(f) Zoning Clearance Certificate. All accessory buildings or structures in the R-1 and R-2 residential zoning districts within the City require a zoning clearance certificate issued by the Community and Economic Development Director verifying that the accessory

building or structure complies with the requirements of this Article and/or other applicable provisions of the Los Banos Municipal Codes whether or not a building permit is required.

Sec. 9-3.4405. Standards for Specific Accessory Buildings and Structures. In addition to the General Requirements set forth in this Article the following standards shall apply to specific accessory buildings and structures.

(a) Shipping Containers. Shipping containers are not permitted as a residential accessory building or structure subject to the provisions of Section 9-3.3803.

(b) Front Yard - Shade Canopy or Shade Canopy Structure(s). Shade Canopy or Shade Canopy Structure(s) are not permitted in the front set back.

(1) A Shade Canopy or Shade Canopy Structure existing on a residential lot in the front set back prior to January 1, 2018, shall be allowed if the following criteria is met:

(i) The Shade Canopy Structure is detached from the principal residential dwelling;
~~(ii) Eighteen inch (18") minimum separation from the principal residential dwelling and the Shade Canopy Structure;~~
(~~iiii~~) The Shade Canopy Structure is constructed of metal or wood material frame;
(~~iv~~iii) The Shade Canopy Structure has a peaked roof;
(~~v~~iv) The Shade Canopy Structure is secured directly into a concrete driveway;
(~~vi~~v) The Shade Canopy Structure matches or compliments the exterior color of the principal residential dwelling;
(~~vii~~vi) The Shade Canopy Structure is located at least ~~three feet (3')~~twelve inches (12") from the front property line and at least ~~three feet (3')~~twelve inches (12") from the side property line;
(~~viii~~vii) The Shade Canopy Structure is completely open on all sides;
(~~ix~~viii) The Shade Canopy Structure is located directly over a City approved driveway/hardscape;
(~~x~~ix) The Shade Canopy Structure does not exceed a height of fifteen feet (15');
(~~xi~~x) The Shade Canopy Structure does not exceed 50% of frontage;
(~~xii~~xi) The Shade Canopy Structure is not located in the public right of way and is located outside of the clear vision triangle.

(2) Registration Requirement - Existing Front Yard - Shade Canopy or Shade Canopy Structure(s). On or before December 31, 2018, an owner or tenant of a residential property shall register with the Community and Economic Development Department in order to maintain a Shade Canopy Structure within the front yard setback. The registration application shall include, at a minimum, the following information: name, address, telephone number(s), of the tenant and/or the legal owner of the property; proof that the Shade Canopy Structure existed on the property prior to January 1, 2018; addresses the criteria set forth

in sub section (1); and, a current photo of the Shade Canopy Structure. The Community and Economic Development Director shall be responsible for determining whether or not the required criteria set forth in sub section (1) has been satisfied.

(3) Conditions - Existing Front Yard - Shade Canopy or Shade Canopy Structure(s). If the Community and Economic Development Director determines that the criteria for relief from the setback requirement has been satisfied the following conditions shall apply:

(i) The Shade Canopy Structure shall only be utilized for legally parked operable vehicles/trailers;
(ii) The Shade Canopy Structure shall not to be used for storage of personal property other than vehicles/trailers;
(iii) The Shade Canopy Structure shall be maintained in good condition;
(iv) Upon sale or transfer of ownership of the property the Shade Canopy Structure shall be immediately removed. In the case of a tenant, upon the tenant ceasing to occupy the property the Shade Canopy Structure shall be immediately removed.

(4) Removal - Existing Front Yard - Shade Canopy or Shade Canopy Structure(s). An owner or tenant who does not register a pre-existing Shade Canopy Structure on or before December 31, 2018 or if it is determined that the criteria set forth in sub section (1) has not been satisfied, shall remove the Shade Canopy Structure from the front yard setback on or before December 31, 2018.

(c) Back and Side Yard - Shade Canopy or Shade Canopy Structure(s). A Shade Canopy or Shade Canopy Structure that is detached from the primary dwelling, and open on all sides, may be located within the required rear and side setback subject to the following:

(1) No part of a Shade Canopy or Shade Canopy Structure shall be closer than three feet (3')to the rear property line, three (3) feet to interior side property line, and ten feet (10') to street side property line of a reverse corner lot.

(2) The Shade Canopy or Shade Canopy Structure shall not exceed fifteen feet (15') in height. For each foot in height above eight feet (8') the three foot (3') set back from the rear property line shall be increased by one foot (1').

(d) Back and Side Yard Patio Covers. A patio cover or pergola that is attached to or detached from the primary dwelling, and open on at least three sides, may be located within the required rear and side setback subject to the following:

(1) No part of a patio cover or pergola shall be closer than three feet (3') to the rear property line, three feet (3') to interior side property line, and ten feet (10') to street side property line of a reverse corner lot.

(2) The patio cover or pergola shall not exceed fifteen feet (15') in height. For each foot in height above eight feet (8') the setbacks set forth in subsection (1) shall be increased by one foot (1').

(e) Front Yard Landscape Features

(1) Unenclosed pergolas or similar structures may be located in front yard, but not within the required front yard setback;

(2) An entry trellis or entry arbor structure may be located over a walkway that extends between the public sidewalk and the front entrance of a residential dwelling provided that the structure shall not exceed ten feet (10') in height, shall not exceed eight feet (8') in width, shall be at least three feet (3') from the front property line and at least three feet (3') from the side property line, provided the structure is located outside of the clear vision triangle.

(3) Other decorative landscape features (structures) covering no more than twenty five (25) square feet and no more than eight feet (8') tall may be located within the front yard and front yard setback, but not within the public right-of-way, provided the structure is located outside of the clear vision triangle.

(f) Swimming pools.

(1) An in-ground swimming pool may be located in the rear or side yard, with a minimum of a three foot (3') setback between the pool and the rear and side property lines and a five foot (5') setback between the pool and the principal dwelling.

(2) An in-ground swimming pool shall be secured by fencing or building walls with a minimum height of three feet (3'). Any gates in the fencing must be provided with self-closing and self-latching mechanisms.

(3) An above-ground swimming pool may be located in the rear or side yard, with a minimum of a three foot (3') setback between the pool and the rear and side property lines and a five foot (5') setback between the pool and the principal dwelling.

(4) An above-ground swimming pool in excess of fifty (50) gallons shall be secured by fencing or building walls with a minimum height of five feet (5'). Any gates in the fencing must be provided with self-closing and self-latching mechanisms.

(g) Play equipment. Play equipment (structure) including but not limited to play, sets, playhouses, skate ramps, basketball hoops, may be located within the required rear and side setback subject to the following:

(1) No part of the play equipment (structure) shall be closer than three feet (3') to the rear property line, three feet (3') to interior side property line, and ten feet (10')to street side property line of a reverse corner lot.

(2) The play equipment (structure) shall not exceed fifteen feet (15') in height. For each foot in height above eight feet (8') the setbacks set forth in subsection (1) shall be increased by one foot (1').

(h) Decks.

(1) Front yard - Decks. Uncovered decks under thirty inches (30") in height, as measured from the pad grade, may be located in front yard, but not within the required front yard setback

(2) Back yard and side yard - Decks. Uncovered decks under thirty inches (30") in height, as measured from the pad grade, may be located in the back yard or side yard. No part of an uncovered deck shall be closer than three feet (3') to the rear property line, three feet (3') to interior side property line, and three feet (3') to street side property line of a reverse corner lot. Uncovered decks over thirty inches (30") in height, as measured from the pad grade, may be located in the back yard or side yard subject to the setback requirements of the principal residential dwelling.

(i) Carports and Garages. Carports and garages shall comply with the development and set back requirements of the applicable/underlying zoning district and shall share compatible architecture, material, and surface textures and colors as the principal residential dwelling.

Sec. 9-3.4406. Minor Adjustments.

(a) The Director may grant minor adjustments to provide for minor exceptions from the site standards established by this Article for height, setbacks, separation between accessory structures on the same property, and lot coverage, in order to address practical hardships that would result from the strict application of site standards or to accommodate a superior design that is also compatible with the neighborhood. In evaluating the hardship the Director shall consider the degree and nature of the hardship as against the stated purpose of the Article.

~~(a) The Director may grant minor adjustments in order to prevent unnecessary hardships which would result from a strict and literal interpretation and enforcement of certain regulations required by this Article. A practical difficulty or unnecessary hardship may result from the size, shape, or dimensions of a site or the location of existing~~

~~structures on the site, from geographic, topographic, or other physical conditions on the site, or in the immediate vicinity, which would affect the size and location of a particular accessory building or structure. In evaluating the hardship the Director shall consider the degree and nature of the hardship as against the stated purpose of the Article.~~
(b) Minor adjustments shall be limited to the following exceptions from site standards:

(1) Height: Up to a 10% increase in the allowed height;

(2) Setbacks: Up to a 25% reduction in the required front, side or rear setback;

(3) Separation between structures: Up to a 15% exception from the separation requirement between accessory structures on the same property; and/or

(4) Lot Coverage: Up to a 15% increase of the total allowable lot coverage.

(~~b~~c) When the Director approves a minor adjustment, property owners existing at the time, located within three hundred feet (300') shall be notified of the decision in compliance with Section 9-3.2323 of this title (Administrative Permit) and Chapter 3 Part 4 of this title (Use Permits). The notice shall identify the proposed adjustment and the available appeal process. The decision shall not take effect until the appeal period ends in compliance with Section 9-3.2330 of this title (Appeals).

Sec. 9-3.4407. 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.

Sec. 9-3.4408. Enforcement.

(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.

Section 3. 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 4. 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 5. 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 6. 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 _____ and seconded by Council Member _____ on the ____ day of _____, 2018.

Passed on the ____ day of _____, 2018 by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

_____

Michael Villalta, Mayor

ATTEST:

_____

Lucille L. Mallonee, City Clerk

City of Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER

DATE: AUGUST 22, 2018

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT (CUP #2018-08) TO ALLOW FOR THE VARIATION OF THE HIGHWAY COMMERCIAL ZONING DISTRICT SIGN STANDARDS FOR ROSS DRESS FOR LESS LOCATED AT 1400 EAST PACHECO BOULEVARD, SUITE A, APN: 083-130-053

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-16 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approval of Conditional Use Permit #2018-08 to allow the variation of the Highway Commercial Zoning District Sign Standards for Ross Dress for Less. The subject property is located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A, more specifically identified as Assessor's Parcel Number: 083-130-053.

PROJECT BACKGROUND/DESCRIPTION:
On August 2, 2018, the applicant, Ross Dress for Less, has requested a Conditional Use Permit to allow for the variation of Highway Commercial Zone Sign Standards for Ross Dress for Less located at 1400 Mercey Springs Rd., Suite A, APN: 083-130-053. Ross Dress for Less will be located within an existing structure within the new Save Mart Center Shopping Center.

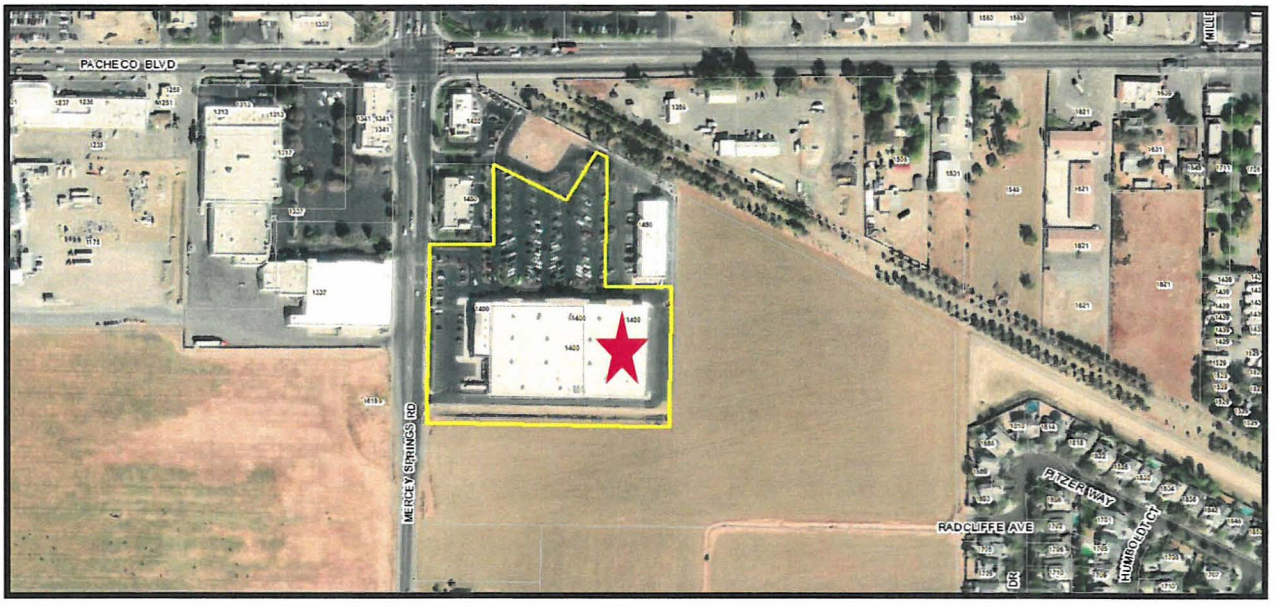
The applicant, Ross Dress for Less, is proposing to have wall signage that will exceed the allowable signage area as formulated in the Highway Commercial Zoning District sign standards in the Los Banos Municipal Code Title 9 Chapter 3 Article 28 Part 3. In accordance with Los Banos Municipal Code Section 9-3.2822, variations of sign standards, the Municipal Code allows for requests of variation of sign standards through the attainment of a Use Permit. Typically, the sign standards for wall signage within the

Highway Commercial Zoning District are one linear foot of building frontage allows for one square foot of allowable sign area.

The building frontage for Ross Dress for Less is 139 feet and 7 ½ inches which allows for 139 square feet of allowable sign area. The applicant is proposing to have a total sign area of 238 square feet which exceeds the allowable sign area by 99 square feet. The applicant is requesting the variation of sign standard to allow for a larger sized main wall sign. Ross is proposing to have a total of four wall signs; two small 8 square foot wall plaques, a 7.3 square foot sign to go under the canopy, and the primary wall sign. The primary wall sign is where the variation of sign standards is being requested. Under the allowable sign area, with the other signs taken into account, the allowable sign area for the primary wall sign would be roughly 116 square feet, however the applicant has expressed the need to make the primary wall sign 214 square feet to allow for more visibility due to the recessed location of the structure from Mercey Springs Road and Pacheco Boulevard more in particular.

LOCATION AND ACCESS:

The project site is located at 1400 Mercey Springs Rd, Suite A, Assessor's Parcel Number: 083-130-053. The project site is located within the Mercey Springs Road Shopping Center which is in the Highway Commercial Zoning District and consists of various commercial/ retail uses.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Commercial	H-C	Commercial
North	Commercial	H-C	Commercial
South	Commercial	H-C	Commercial

East	Commercial	H-C	Commercial
West	Commercial	H-C	Commercial

H-C = Highway Commercial

ENVIRONMENTAL ASSESSMENT:
Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for the variation of sign standards involves the permitting of an existing private structure and involves no expansion at 1400 Mercey Springs Rd, Suite A, APN: 083-130-053.

USE PERMIT ANALYSIS

Code Requirements
Pursuant to the Los Banos Municipal Code Section 9-3.2822, a Conditional Use Permit is required for the variation of sign standards. A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

General Use Permit Criteria:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;
3. That the proposed use is compatible with the adjacent uses properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

Staff has analyzed the proposal pursuant to the above criteria set forth in the Los Banos Municipal Code and offers the following analysis:

1. The proposed us and project is consistent with the City of Los Banos 2030 General Plan, and the Los Banos Municipal Code;

a. The Los Banos 2030 General Plan designation is Highway Commercial, which permits Commercial and Retail uses, such as signs.

The following specific General Plan Implementing Actions and policies that are applicable to the proposed project:

LAND USE GUIDING POLICY LU-G-10:
Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

IMPLEMENTING ACTION LU-I-14:
Establish a distinct design character for Pacheco Boulevard with signage, landscaping, designer lighting poles, and other visual cues to provide celebrated entrance into the City.

IMPLEMENTING ACTION LU-I-31:
Integrate standards for varying scales of commercial development including large-format regional centers, neighborhood-serving centers, and mixed-use Downtown into the zoning regulations.

Evidence/Analysis: The proposed variation of the Highway Commercial Zoning District Sign Standard intent is to draw attention and attract potential clientele from the Pacheco Boulevard (HWY 152) and Mercey Springs Road (HWY 165) intersection.

b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial Zoning District is to provide a district exclusively for commercial and retail uses.

Evidence/ Analysis: The proposed project is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and Los Banos Municipal Code Title 9 Chapter 3 Article 28 Signs. The proposed project is also consistent with the existing commercial uses in the surrounding area.

2. The proposed project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;

The proposed variation of Highway Commercial Zoning District Sign Standards is permitted with a Conditional Use Permit. Signs in general are permitted in the Highway Commercial Zoning District in accordance with the Sign Standards for the zoning district.

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

The proposed variation of Highway Commercial Zoning District Sign Standards is in conjunction with a commercial/ retail use which is compatible to the surrounding area. The proposed project will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the City. The project will improve the surrounding area by filling a vacancy within the new Save Mart Center Shopping Center.

PUBLIC COMMENT:
A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on August 10, 2018. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan – LU-G-10, LU-I-14, LU-I-31

Los Banos Municipal Code – Section 9-3.2822, Section 9-3.2326

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-16 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approval of Conditional Use Permit #2018-08 to allow the variation of the Highway Commercial Zoning District Sign Standards for Ross Dress for Less. The subject property is located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A more specifically identified as Assessor's Parcel Number: 083-130-053.

1. Resolution 2018-16
   Exhibit A CEQA Findings
   Exhibit B Project Findings
   Exhibit C Conditions of Approval
2. Wall Sign Elevations/ Site Photos
3. Public Hearing Notice – August 10, 2018

RESOLUTION No. 2018-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT 2018-08 TO ALLOW THE VARIATION OF THE HIGHWAY COMMERCIAL ZONING DISTRICT SIGN STANDARDS FOR ROSS DRESS FOR LESS LOCATED IN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 1400 MERCEY SPRINGS ROAD, SUITE A, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-053.

WHEREAS, Ross Dress for Less has requested a Conditional Use Permit to allow a variation of the Highway Commercial Zoning District Sign Standards. The subject property is located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A, more specifically identified as Assessor's Parcel Number: 083-130-053.

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on August 10, 2018 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2326 of the Los Banos Municipal Code; and

WHEREAS, Conditional Use Permit #2018-08 has been determined to be categorically exempt from the provisions of the California Environmental Quality Act pursuant Article 19, Section 15301, Existing Facilities; and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2018-08 to allow the

variation of the Highway Commercial Zoning District Sign Standards for Ross Dress for Less. The subject property is located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A, more specifically identified as Assessor's Parcel Number: 083-130-053, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of August 2018 by Planning Commissioner_____ who moved its adoption, which motion was duly seconded by Planning Commissioner_____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

John Cates, Planning Commission Chairman

ATTEST:

_____

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT #2018-08 – ROSS DRESS FOR LESS

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City of Los Banos as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds the proposed variation from Highway Commercial Sign Standards appropriate for Ross Dress for Less within the Highway Commercial Zoning District located at 1400 Mercey Springs Road, Ste. A, as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Conditional Use Permit #2018-08 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA pursuant to Article 19, Section 15301 Existing Facilities, as the variation of sign standards and signs in particular are permitted in the Highway Commercial District and no intensifications, alterations, impacts on the surrounding environmental resources are expected to occur.

2. Conditional Use Permit 2018-08 was adequately noticed and circulated for public review and comment on August 10, 2018 for consideration at a public meeting on August 22, 2018 and no comments have been received.

3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.

4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

PROJECT FINDINGS OF APPROVAL FOR USE PERMIT #2018-08 – ROSS DRESS FOR LESS

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

1. The proposed us and project is consistent with the City of Los Banos 2030 General Plan, and the Los Banos Municipal Code;

a. The Los Banos 2030 General Plan designation is Highway Commercial, which permits Commercial and Retail uses, such as signs.

The following specific General Plan Implementing Actions and policies that are applicable to the proposed project:

LAND USE GUIDING POLICY LU-G-10:
Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

IMPLEMENTING ACTION LU-I-14:
Establish a distinct design character for Pacheco Boulevard with signage, landscaping, designer lighting poles, and other visual cues to provide celebrated entrance into the City.

IMPLEMENTING ACTION LU-I-31:
Integrate standards for varying scales of commercial development including large-format regional centers, neighborhood-serving centers, and mixed-use Downtown into the zoning regulations.

Evidence/Analysis: The proposed variation of the Highway Commercial Zoning District Sign Standard intent is to draw attention and attract potential clientele from the Pacheco Boulevard (HWY 152) and Mercey Springs Road (HWY 165) intersection.

b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial Zoning District is to provide a district exclusively for commercial and retail uses.

Evidence/ Analysis: The proposed project is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and Los Banos Municipal Code Title 9 Chapter 3 Article 28 Signs. The propose project is also consistent with the existing commercial uses in the surrounding area.

2. The proposed project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;

   The proposed variation of Highway Commercial Zoning District Sign Standards is permitted with a Conditional Use Permit. Signs in general are permitted in the Highway Commercial Zoning District in accordance with the Sign Standards for the zoning district.

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

   The proposed variation of Highway Commercial Zoning District Sign Standards is in conjunction with a commercial/ retail use which is compatible to the surrounding area. The proposed project will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the City. The project will improve the surrounding area by filling a vacancy within the new Save Mart Center Shopping Center.

EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT #2018-08 – ROSS DRESS FOR LESS

Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.

2. Conditional Use Permit #2018-08 is to allow the variation of the Highway Commercial Zoning District Sign Standards for Ross Dress for Less. The subject property is located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A, more specifically identified as Assessor's Parcel Number: 083-130-053. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission, this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

3. Subject to and in addition to these Conditions of Approval, Conditional Use Permit #2018-08 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, staff report and exhibits.

4. The applicant shall comply with all applicable City ordinances specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.

5. All signs shall comply with the requirements of the Public Utilities Commission of the State, the Los Banos Municipal Code, the regulations of the Building Department of the City and all other relevant Federal, California State, and local laws and regulations.

6. All signs shall be constructed of permanent materials and shall be planned and constructed in accordance with State Building Code requirements and be permanently affixed to the ground in accordance with the Los Banos Municipal Code.

7. All signs shall be maintained in a good structural condition in compliance with all building and electrical codes, and in conformance with the Los Banos Municipal Code, at all times.

8. All signs shall be designed in a neat and orderly manner, and all signs, including supporting structures, shall be kept in a presentable condition at all times. All painted signs and all supporting structures of signs shall be repaired to keep them in good condition whenever such action is requested in writing by the Building Official or Community Development Director.

9. Lighting for illuminated signs shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises. No artificial light of whatever type or nature used in conjunction with, or for the purpose of lighting any sign shall be so located or constructed, nor any substance or material capable of reflecting light on or into any adjoining or nearby lot, structure, or public right-of-way. Where spotlights or floodlights are use to illuminate a sign, the reflector shall be provided with proper shields or glass lenses concentrating the illumination upon the area of the sign so as to prevent flare upon the street or adjacent property

10. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of the proposed project.

11. The Planning Commission reserves the right to review and/or revoke this Conditional Use Permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.

12. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this Use Permit, or the environmental determination rendered in connection with the Use Permit approval, or arising out of the operation of the use or

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

16. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2326 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

17. If the use is discontinued for a period of twelve (12) months, this Conditional Use Permit shall lapse and become void.

18. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:

    a. Conditions of approval have not been fulfilled;

    b. A significant change or intensification of the approved use;

    c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

19. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.

June 27, 2018

ROSS
DRESS FOR LESS

1400 Mercey Springs Road
Los Banos, CA 93635

Use Permit for additional sign area.

Zone: Highway Commercial District

APN: 083-130-053-000

Legal: Parcel 1 Pm 65-28 Sec 24/10/10

Parcel: 6.8 acres / 296,208 sq ft

Tenant Sq Ft: 35,700 sq. ft. +/-

Property owner:
Baycal Los Banos Partners, LLC
1800 Preston Park Blvd., Ste 104
Plano, TX 75093-5157

Applicant:
Ross Stores, Inc.
5130 Hacienda Dr.
Dublin, CA 94568

Representative:
Mitch Chemers & Jeff Aran
Imagetech Services
18960 Ventura Blvd #127
Tarzana, CA 91356
818-468-2955
mitch@signbump.com

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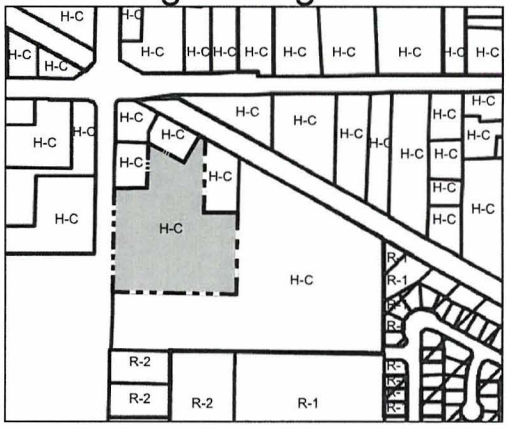
Proposed Sign Inventory

Primary wall sign: 214.83
Secondary wall sign: 15
Wall plaque x2 = 16
Under-canopy sign: 7.3
Total: 253.13 sq ft

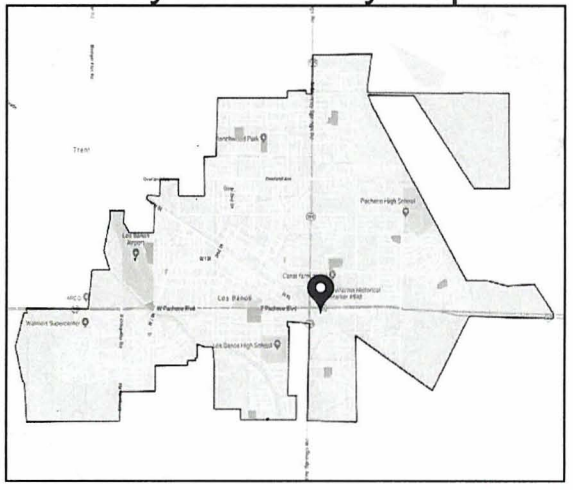
Neighboring zones



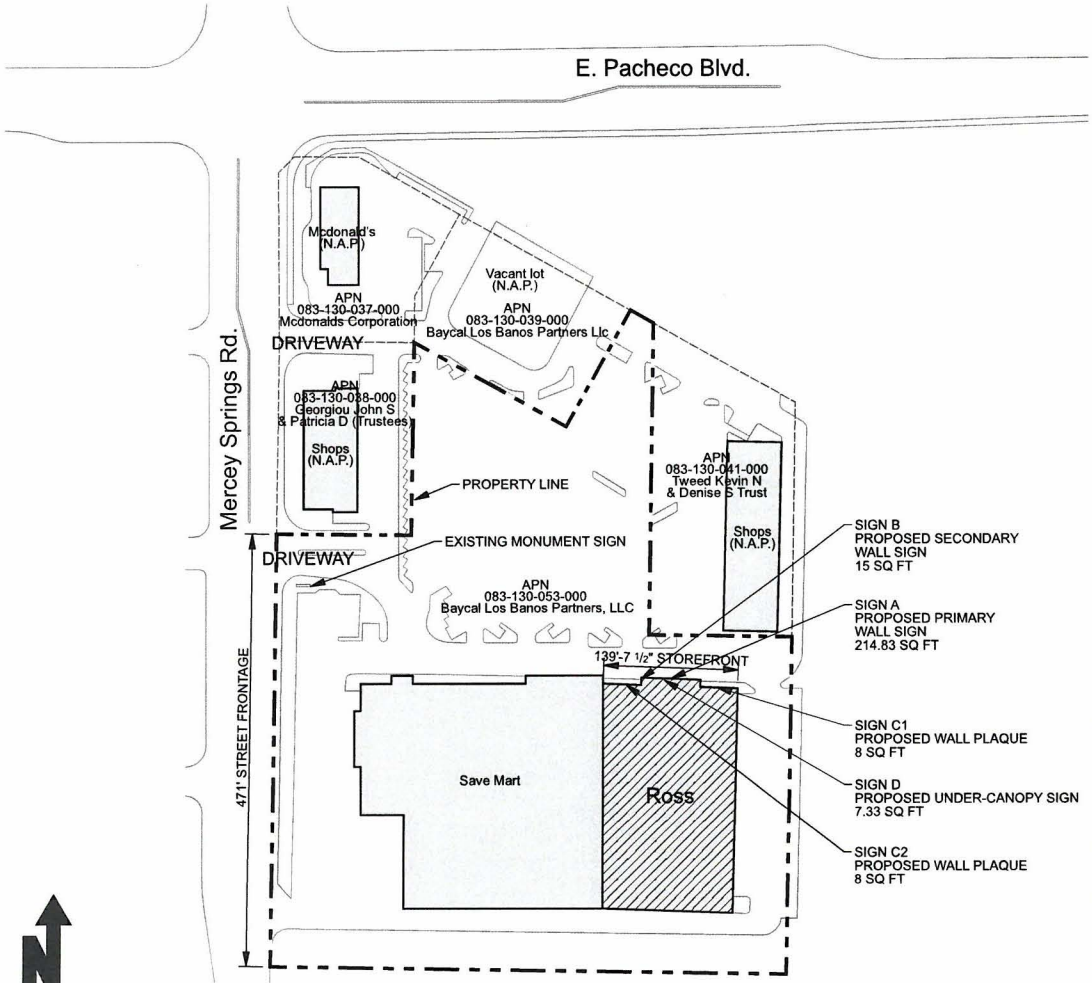
Existing monument sign

Existing monument sign.
No changes proposed.

Citywide vicinity map



Site Plan



N

(A) SITE PLAN
SCALE 1" = 130'

Aerial View

N

(B) AERIAL VIEW
SCALE 1" = 130'

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1400 Mercey Springs Road
Use Permit for additional sign area

Site Plan

Drawn 05/11/18
Updated 06/27/18

Primary Wall Sign Elevation - Allowed vs Proposed

(A) NORTH ELEVATION
SCALE 3/32" =1'

(B) NORTH ELEVATION
SCALE 3/32" =1'

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1400 Mercey Springs Road
Use Permit for additional sign area

Allowed vs Proposed

Drawn 05/11/18
Updated 06/27/18

Storefront Photo-Composites - Allowed vs Proposed

ALLOWED PRIMARY SIGN SIZE (116.28 SQ FT)

(A) NORTH ELEVATION
SCALE 3/32" =1'

PROPOSED PRIMARY SIGN A (214.83 SQ FT)

(B) NORTH ELEVATION
SCALE 3/32" =1'

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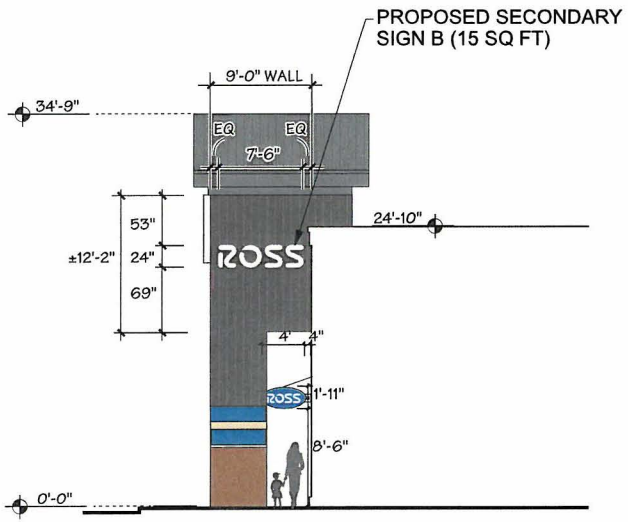
Use Permit for additional sign area

Photo-Composites

Drawn 05/11/18
Updated 06/27/18

Secondary Wall Sign Elevation & Photo-Composite



Ⓐ WEST ELEVATION
SCALE 3/32" =1'

Ⓑ PHOTO-COMPOSITE
NTS

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ROSS
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1400 Mercey Springs Road
Use Permit for additional sign area

Secondary Wall Sign Elevation and Photo-Composite

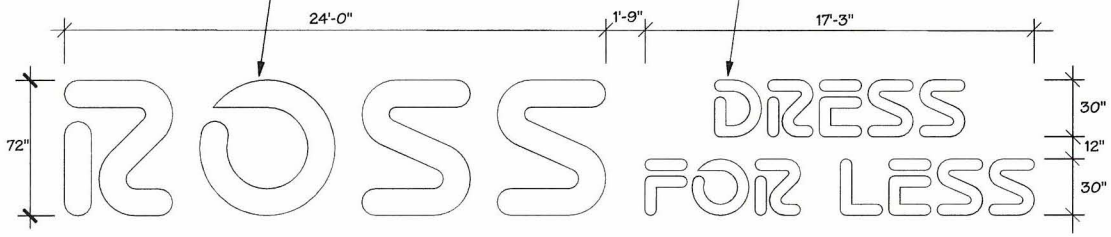
Drawn 06/27/18
Updated

Sign Details

Sign A
214.83 sq ft

72"H INDIVIDUAL "ROSS" PAN CHANNEL
LOGO LETTERS:
FACES: TUF-GLAS SG 7328 MATTE WHITE ACRYLIC
RETURNS: 8"D ALUM. W/ FACTORY CHROME FINISH
TRIM CAP: 2" CHROME JEWELITE
LETTER BACKS: ALUMINUM
LED: INSEM SS-KDL2CL-B2 BLUE
MOUNTING: 1/4"-20 GALV. THRU BOLTS
PEG OFF: 1/2" SPACERS

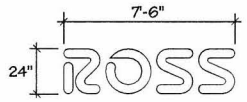
30"H INDIVIDUAL "DFL" LOGO LETTERS
ALL CALLOUTS SAME AS "ROSS" EXCEPT:
RETURNS: 5"D ALUM. CHROME
TRIM CAP: 1" CHROME JEWELITE
LED: INSEM SS-KDL2CL-B2 BLUE



(A) SIGN DETAILS
SCALE 3/32" = 1'

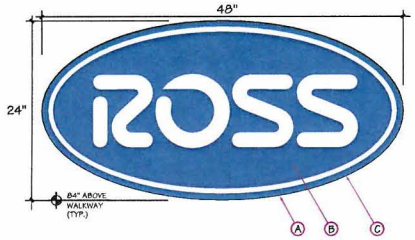
Sign B
15 sq ft

24"H INDIVIDUAL "ROSS" PAN CHANNEL
LOGO LETTERS:
FACES: TUF-GLAS SG 7328 MATTE WHITE ACRYLIC
RETURNS: 8"D ALUM. W/ FACTORY CHROME FINISH
TRIM CAP: 2" CHROME JEWELITE
LETTER BACKS: ALUMINUM
LED: INSEM SS-KDL2CL-B2 BLUE
MOUNTING: 1/4"-20 GALV. THRU BOLTS
PEG OFF: 1/2" SPACERS



(B) SIGN DETAILS
SCALE 3/16" = 1'

Sign C1 & C2
Wall Plaque
8 sq ft x (2)



(A) 24"H X 48"W X 1"D SINTRA OVAL "ROSS" LOGO WALL PLAQUE

(B) DIGITALLY PRINTED 3M CONTROL TAC GRAPHIC:
9.6"H x 35"W WHITE "ROSS" COPY
.25" PMS #296C DARK BLUE COPY OUTLINE
PMS #2945C BLUE BACKGROUND
.25" PMS #296C DARK BLUE 1ST OUTLINE,
.625" WHITE 2ND OUTLINE
.875" PMS #2945C BLUE 3RD OUTLINE

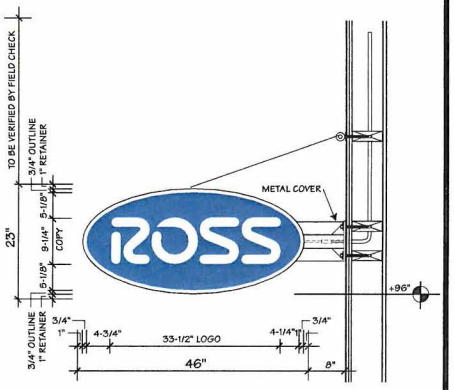
(C) CLEAR "TEDLAR" GRAFFITI GUARD FILM OVERLAY

(D) 2" DRESSED AREA (IF NECESSARY)

(C) SIGN DETAILS
SCALE 3/4" = 1'

Sign D
Under-Canopy Sign
7.33 sq ft

23"H X 46"W X 10"DEEP BAYONET MOUNTED
DOUBLE-FACE INTERNALLY ILLUMINATED
UNDER-CANOPY SIGN,



(D) SIGN DETAILS
SCALE 1/2" = 1'

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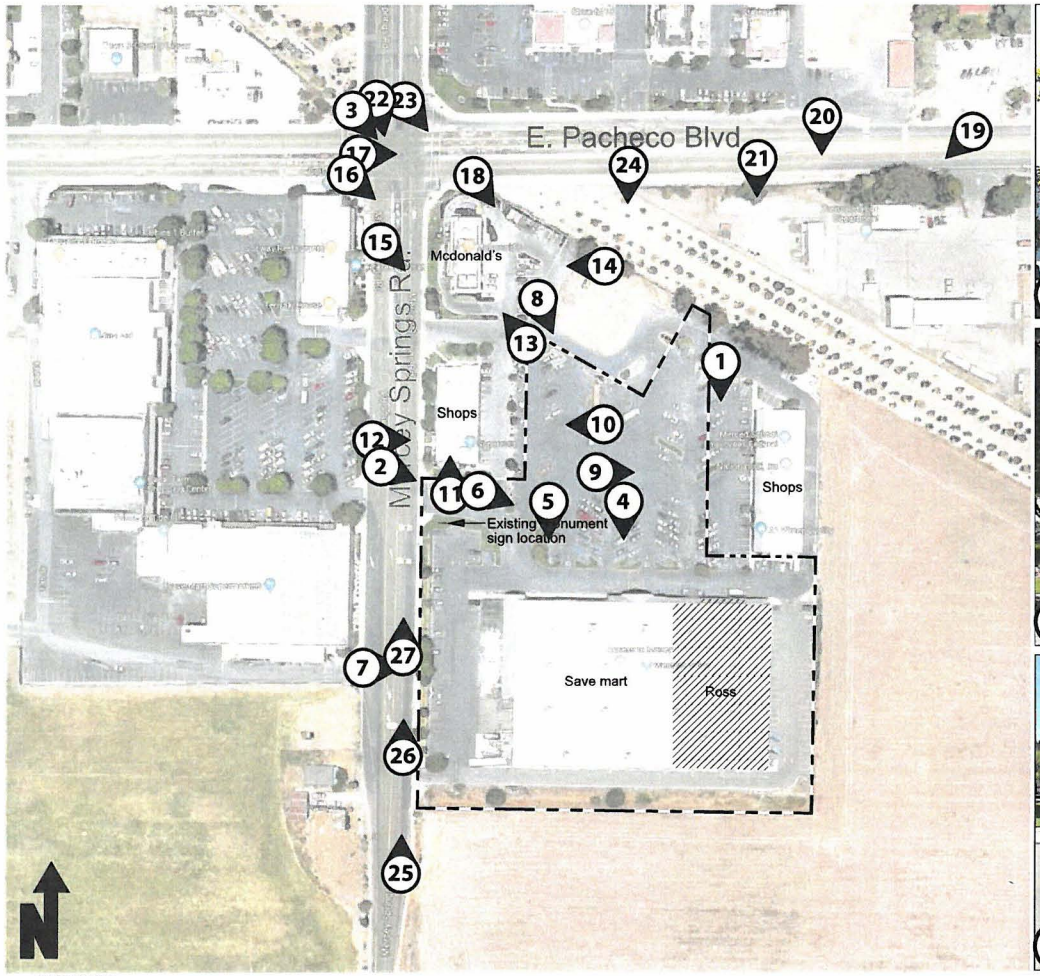
MEMBER

ROSS
DRESS FOR LESS
1400 Mercey Springs Road
Use Permit for additional sign area

Sign Details

Drawn 05/11/18
Updated 06/27/18

Site Photo Key



Ⓐ PHOTO KEY
NTS

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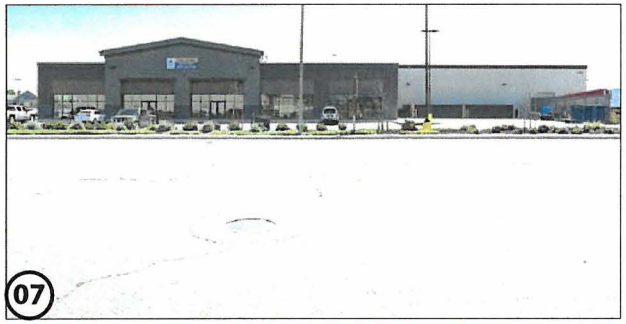
Photo Key

Drawn 05/11/18
Updated

Site Photos 1



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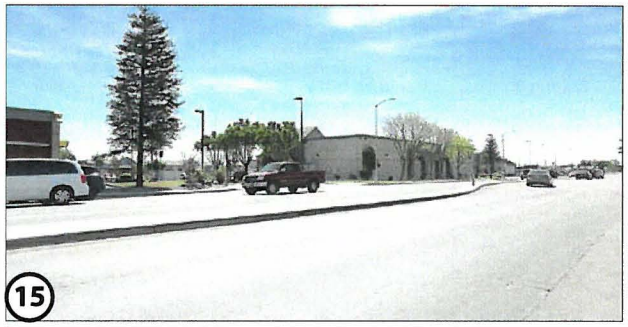
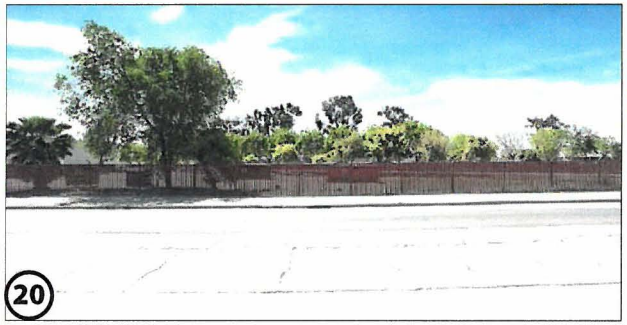
Photos 1

Drawn 05/11/18
Updated

Site Photos 2





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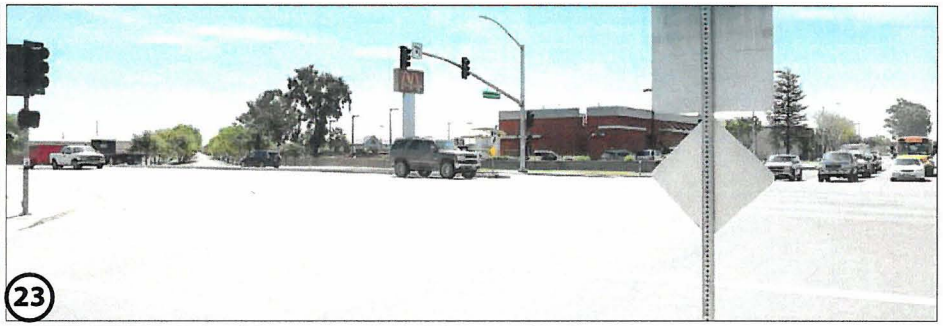
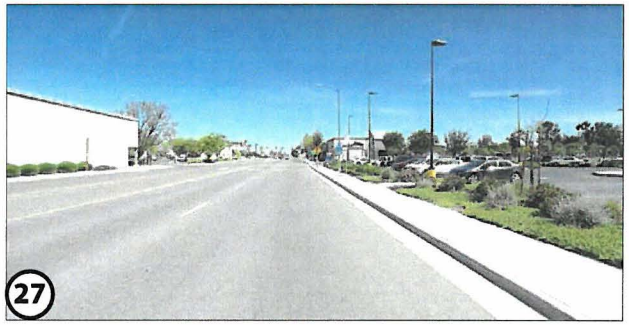
Photos 2

Drawn 05/11/18
Updated

Site Photos 3





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Photos 3

Drawn 05/11/18
Updated

City of Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: August 10, 2018

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-08 – Variation of Sign Standards

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Conditional Use Permit to allow the variation of the Highway Commercial Sign Standards for Ross Dress for Less. The subject property is located in the Highway Commercial Zoning District at 1400 Mercey Springs Road, Suite A more specifically identified as Assessor's Parcel Number: 083-130-053.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 22, 2018 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-7000, ext. 114.

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

Rudy Luquin
Associate Planner

City of Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: **CHAIRMAN CATES AND COMMISSIONERS**

FROM: **RUDY LUQUIN, ASSOCIATE PLANNER**

DATE: **AUGUST 22, 2017**

SUBJECT: **CONDITIONAL USE PERMIT #2018-09 –THE ACADEMY OF PERFORMING ARTS AND FITNESS**

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2018-17 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 approving Conditional Use Permit #2018-09 for the operation of a performing arts/fitness training facility within the General Industrial zoning district located at 150 W. G St., Suite I, Assessor's Parcel Number 081-110-013.

PROJECT BACKGROUND/DESCRIPTION:
The City of Los Banos is in receipt of a request for a Conditional Use Permit to allow the operation of The Academy of Performing Arts and Fitness, a performing arts/fitness training facility at 150 W. G Street, Suite I. The property is located within the General Industrial (I) Zoning District. A fitness facility is not a permitted use within the General Industrial (I) Zoning District. However, the requested use may be permitted subject to the approval of a Conditional Use Permit by the Planning Commission.

The applicants, Reginald and Elvira Grimes, moved their business, The Academy of Performing Arts, a performing arts and fitness training facility to 150 W. G St, Ste I. The Academy was previously located at 115 W. G St, Ste C, which is south west of the new location. The Academy of Performing Arts and Fitness is planning to continue operating Monday through Saturday. However, the hours of operation are varied, Monday 4:00 pm-7:00 pm, Tuesday 9:00 am-10:30 am and 3:30 pm-8:30 pm, Wednesday from 4:30 pm-8:30 pm, Thursday 3:30 pm–7:30 pm. Friday 3:00 pm-6:00 pm, and Saturday 9:45 am-11:45 am. The facility consists of approximately 3,750 square feet and will accommodate the performing arts and fitness facility by having open floor space and high ceilings. The Academy of Performing Arts and Fitness will offer various classes such as: gymnastics, tumbling, dance, youth fitness, youth conditioning, and mixed

martial arts. All of the specified training classes and activities will be held indoors and two to three (2-3) adults will be located on-site, especially during the cheering portion of the use as the clientele will mainly consist of minors. In addition, there will be a waiting area in which parents can wait for their kids.

As mentioned the building will have training mats throughout the floor for all training purposes. The facility will also house fitness and gymnastic equipment. The fitness equipment with be properly situated depending on its stationary or mobile nature. The stationary equipment will be situated in areas that will accommodate for floor space for other performing arts and fitness activities. The accommodation of the high ceilings vertical space is necessary for the activities that will use gymnastic equipment such as springs for jumping exercises. On average, the applicant is anticipating approximately 10-12 clients for each of the classes and the classes are an hour long. Typically the applicant will hold three (3) to five (5) classes per business day depending on the hours of operation.

The Academy Performing Arts and fitness facility will be located east of the Paradise Tomato Kitchen warehouse, north of the Hacienda Business Park, and south of Orchard Terrace 2 and west of Orchard West single family residential subdivisions. The subject location is surrounded by various businesses such as Merced County Mental Health, Fastenal, DaVita Dialysis, Tomato Growing Board Association, IEM, Paraiso Brewery, Windecker Inc., Grassland Water District, Willmott Mini Storage, Comcast, and food processing businesses. The Academy of Performing Arts and Fitness will not be the first recreational use at the 150 G St. industrial park, Diversity Athletics and Elite Cheer also operates in the same building. The area will continue to complement existing recreational businesses as Bases Academy, and Los Banos Crossfit. Previously, Conquer MMA training facility existed within close proximity to the subject site, however that business has ceased operations. Thus, validating that recreational/ fitness facilities and uses have been permitted and are existent in the area for several years.

LOCATION:
The project site is located in an industrial structure at 150 W. G Street, Suite I, more specifically identified as Assessor's Parcel Number: 081-110-013. Within the Industrial structure at 150 W. G St., there are various businesses operating in their respective suites such as auto repair shops, auto body shops, cabinet making shops, a cheer/fitness facility, furniture repair shop, diesel & trailer repairs, a granite fabricator, food product commissary and an RV Center.

LAND USE:

Property	Land Use	Zone	General Plan
Project site	Industrial	I	I
North	Low Density Residential	R-1	LDR
South	Industrial	I	I
East	Low Density Residential	R-1	LDR
West	Industrial	I	I

I = Industrial R-1= Low Density Residential

The project site consists of a gravel parking area directly in front of the suite and the use of the performing arts and fitness training facility will generally have peak hours when the other businesses in the complex are near closing or are closed: however, morning fitness classes on Saturdays have been proposed. The majority of the existing businesses operate weekdays from 8:00 a.m. to 5:00 p.m., with the exception of Bases Academy, The Academy of Performing Arts and Paraiso Brewery. General peak hours for the performing arts and fitness Academy will be in the evenings primarily occupied by children.

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

Facilities.

USE PERMIT ANALYSIS

Code Requirements

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

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;

    a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

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

    ECONOMIC DEVELOPMENT POLICY ED-G-7:
    Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

    LAND USE POLICY LU-G-13:
    Foster high quality design and allow secondary uses in Employment Park or industrial areas if they can complement or enhance the primary use.

    Evidence/Analysis: The performing arts and fitness training facility will help physically and socially serve the needs of the community at large while complementing the area. In addition, the project would also be consistent with General Plan land use policies as set forth above.

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

    Evidence/Analysis: The proposed use is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 15, as the use will be compatible with existing and surrounding uses similar in nature such as Diversity Athletics and Elite Cheer, Bases Academy, and Los Banos Crossfit. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;

   The proposed use is similar to some of the existing uses within the same industrial business park at 150 W. G St, Hacienda Business Park, and Baza Industrial Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

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

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

PUBLIC COMMENT:
A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on Friday, August 10, 2018. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan– LU-G-7, ED-G-7

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

RECOMMENDATIONS:

Staff recommends that the Planning Commission adopt Resolution #2018-17 finding the proposed project categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approving Conditional Use Permit #2018-09 to allow the use and operation of a performing arts and fitness facility within the General Industrial Zoning District (I) located at 150 W. G St. Suite I, Assessor's Parcel Number 081-110-013.

ATTACHMENTS:

1. Resolution #2018-17
   Exhibit A CEQA Findings
   Exhibit B Project Findings
   Exhibit C Conditions of Approval
2. Site Plan
3. Floor Plan
4. Site Photos
5. Public Hearing Notice – August 10, 2018

RESOLUTION No. 2018-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2018-09 FOR A PERFORMING ARTS AND FITNESS FACILITY AT 150 W. G STREET, SUITE I, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-110-013

WHEREAS, Reginald and Elvira Grimes (d.b.a. The Academy of Performing Arts and Fitness), have submitted an application for a Conditional Use Permit to allow the use of a performing arts and fitness facility, within the General Industrial Zoning District located at 150 W. G Street, Suite I, more specifically identified as Assessor's Parcel Number: 081-110-013; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on August 10, 2018 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2018-09 to allow the use of a gymnastics and fitness facility at 150 W. G Street, Suite I, more specifically identified as Assessor's Parcel Number: 081-110-013, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of August 2018 by Planning Commissioner_____ who moved its adoption, which motion was duly seconded by Planning Commissioner_____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

John Cates, Planning Commission Chair

ATTEST:

_____

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2018-09 –THE ACADEMY OF PERFORMING ARTS AND FITNESS

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds the proposed use of a gymnastics and fitness facility appropriate for the General Industrial (I) zoning district as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Conditional Use Permit #2018-09 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301.

2. Conditional Use Permit #2018-09 was adequately noticed and circulated for public review and comment on August 10, 2018 for consideration at a public meeting on August 22, 2018 and no comments were received.

3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.

4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2018-09 –THE ACADEMY OF PERFORMING ARTS AND FITNESS

FINDINGS FOR APPROVAL:

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

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;

a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

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

ECONOMIC DEVELOPMENT POLICY ED-G-7:

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

LAND USE POLICY LU-G-13:

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

Evidence/Analysis: The performing arts and fitness facility will help physically and socially serve the needs of the community at large while complementing the area. In addition, the project would also be consistent with General Plan land use policies as set forth above.

b. The zoning designation for the project site is General Industrial (I). This particular use is not permitted by right, but may be permitted with a conditional use permit and where the use is deemed appropriate for the zoning district.

Evidence/Analysis: The proposed use is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 15, as the proposed use will be

compatible and will not be in conflict with existing uses in the Industrial structure as well as the uses in the surrounding area. The proposed use is similar in nature with existing and surrounding uses in the area such as, Diversity Athletics and Elite Cheer, Los Banos Crossfit, and Bases Academy LLC. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;

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

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

   Evidence/Analysis: The proposed use will be less intensive than most of the permitted uses within the General Industrial zoning district. This specific use is conducive to the zoning district in that it is a business that needs to be within a typical warehouse setting to meet ceiling heights and building width criteria. Peak operational hours are generally when the majority of the businesses within the relative location are closed to customers. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONL USE PERMIT #2018-09 – THE ACADEMY OF PERFORMING ARTS AND FITNESS

Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.

2. Conditional Use Permit 2018-09 is for Reginald and Elvira Grimes, dba The Academy of Performing Arts and Fitness, located at 150 W. G Street, Suite I; more specifically identified as Assessor's Parcel Number: 081-110-013. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

3. Subject to and in addition to these conditions of approval for Conditional Use Permit #2018-09, the use shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, Staff Report, and Floor Plan.

4. The applicant shall comply with all applicable City ordinances, specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.

5. The applicant shall comply with Los Banos Municipal Code Section 11-1.103, Business License required, in which any person(s) or entity engaging in business within the City of Los Banos is required to have a valid, up to date business license.

6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.

7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims

that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

8. The premises shall be operated as a performing arts and fitness facility as described and in conformance with the application prepared by the applicant and filed with the Community and Economic Development Department. Any new use or modification/expansion of uses shall be subject to the prior review and approval of the Planning Commission.

9. The premises of the subject site shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved conditional use permit or filed operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.

10. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

11. No activities shall be permitted in the parking lot or outside the enclosed premises.

12. The applicant shall keep the internal hallway to the restrooms sufficiently illuminated at all times.

13. The applicant/operator shall have monitoring cameras in the interior of the hallway during all times of use to the satisfaction and approval of the Police Chief, including that the security cameras must be HD quality with 4k/1080p resolution. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.

14. The applicant shall comply and adhere to all requirements set forth by the City of Los Banos Fire Department and Building Department prior to occupancy.

15. If the use is discontinued for a period of 12 months, this Conditional Use Permit shall lapse and become void.

16. The exterior of the premises, including the parking lot areas (front and rear), shall be sufficiently illuminated during all hours of darkness when the premises are open for business in a manner so that persons accessing those areas at night are identifiable by law enforcement personnel.

17. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:

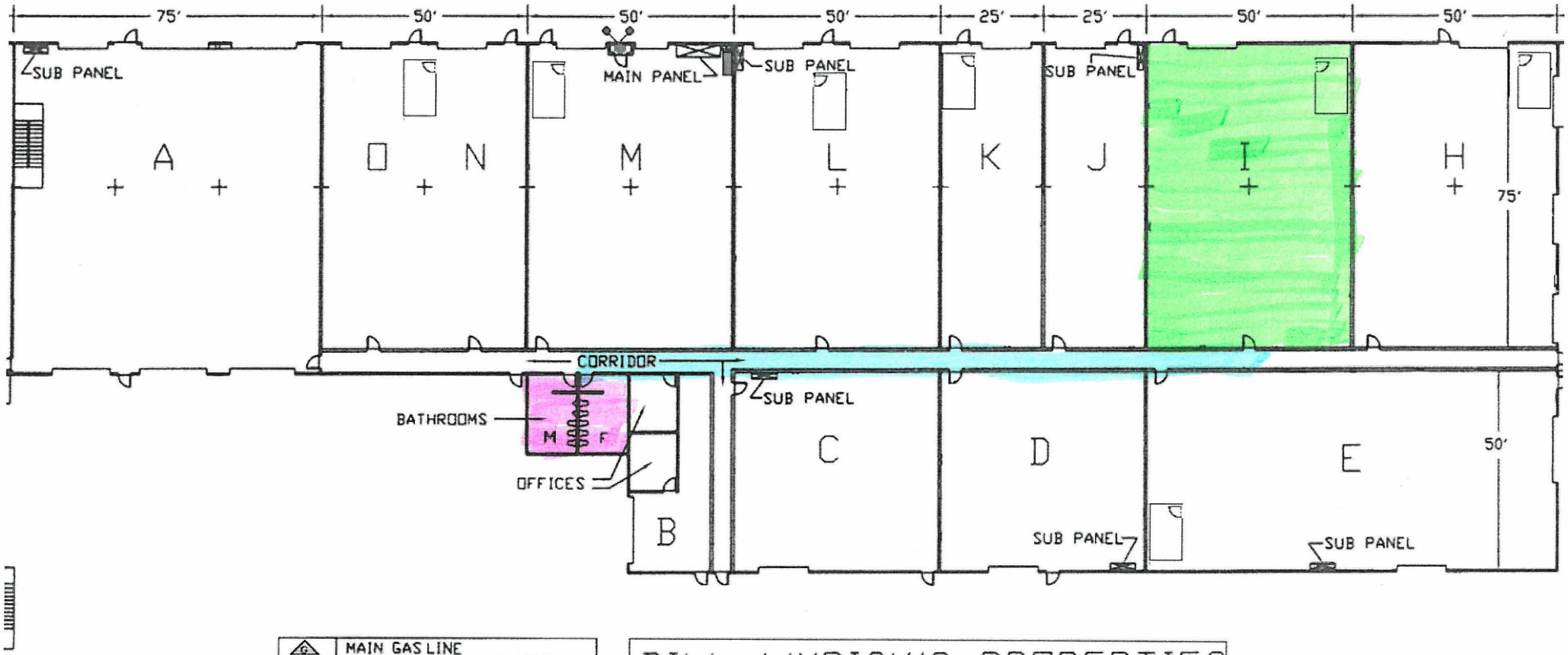
    a. Conditions of approval have not been fulfilled;

    b. A significant change or intensification of the approved use;

    c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

18. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**

WILLMONT ROAD



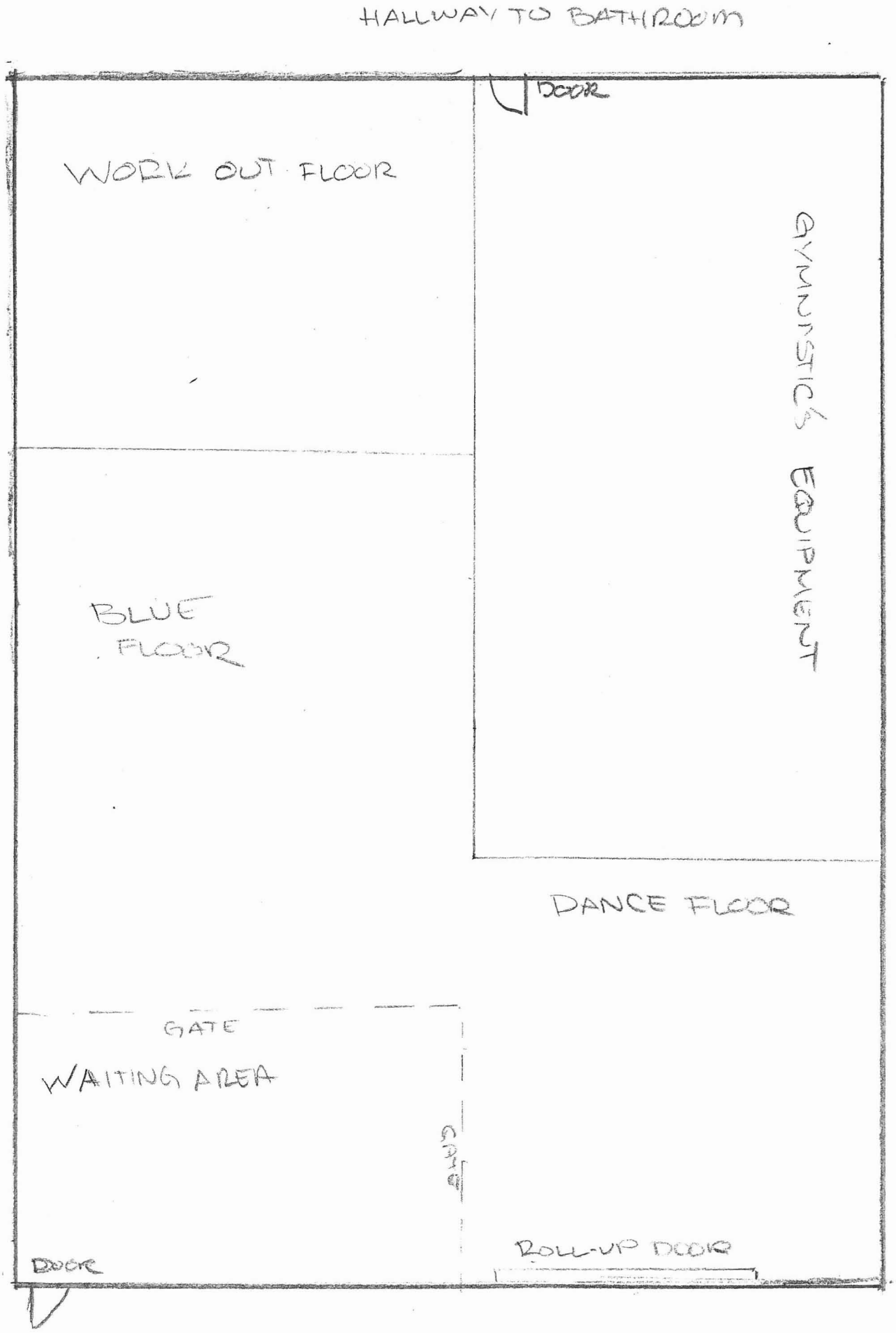
G	MAIN GAS LINE
	SUB DISTRIUBTION PANEL
	MAIN DISTRIUBTION PANEL
	FDC
	FIRERISER ROOM
	FCP – FIRE CONTROL PANEL
	KNOX BOX

BILL WYRICK'S PROPERTIES
150 W. G. ST.
LOS BANOS, CA. 93635

PROPOSED LOCATION

HALLWAY TO BATHROOM

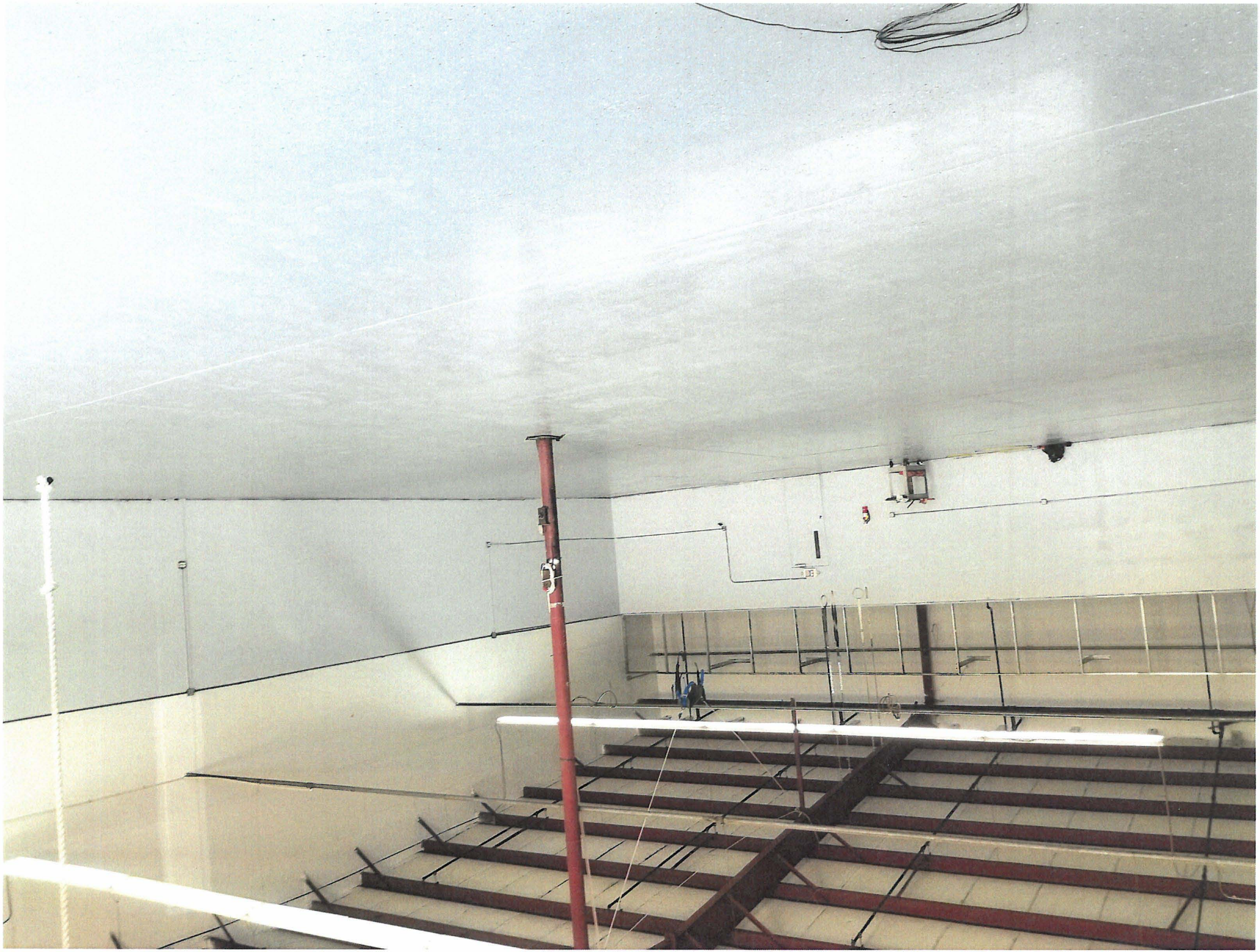
BATHROOM

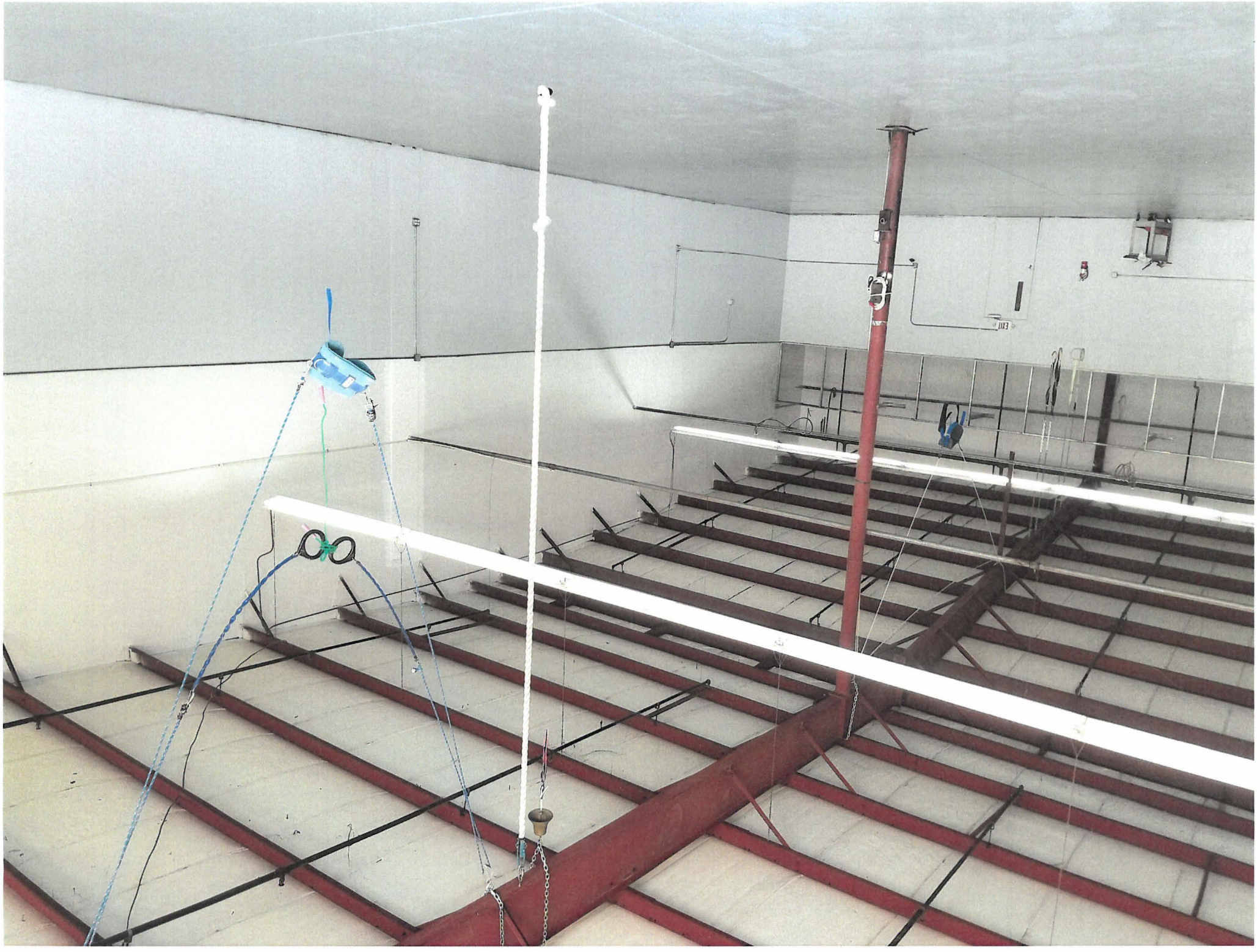


150 W. G ST. SUITE 1 FLOOR PLAN

← WILLMATT AVE →

CUP 2018.09
PICS FOR
STAFF REPORT





City of Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: August 10, 2018

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-09 – Performing Arts/ Fitness Facility

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Conditional Use Permit to allow the operation of a performing arts and fitness facility (The Academy of Performing Arts & Fitness) operated by Reginald Grimes. The subject property is located in the General Industrial Zoning District at 150 West G Street, Suite I more specifically identified as Assessor's Parcel Number: 081-110-013.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 22, 2018 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-7000, ext. 114.

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

Rudy Luquin
Associate Planner