



City of Los Banos

At the Crossroads of California

AGENDA

PLANNING COMMISSION ADJOURNED MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

TUESDAY, NOVEMBER 27, 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.

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.

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 Secretario 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 __, 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 OCTOBER 24, 2018.

Recommendation: Approve the minutes as submitted.

6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 14, 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 of a Type 21 Alcohol License for the Off-Sale of General Alcohol for Village Liquor Located at 2220 E. Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 428-160-029.

1) Planning Commission Resolution No. 2018-35 – 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 #2018-13 to the Los Banos City Council to Allow for the Off-Sale of General Alcohol Under a Type 21 Alcohol License for Village Liquor Located at 2220 East Pacheco Boulevard, Suites D & E, More Specifically Identified as Assessor's Parcel Number: 428-160-029.

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

B. Public Hearing – to Consider a Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15301 (Existing Facilities) to Allow the Use of a Type 21 Alcohol License for the Off-Sale of General Alcohol for Mi Barrio Located at 403

Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 082-072-024.

- 1) Planning Commission Resolution No. 2018-36 – 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 #2018-14 to the Los Banos City Council to Allow for the Off-Sale of General Alcohol Under a Type 21 Alcohol License for Mi Barrio Located at 403 North Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 082-072-024.

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

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

set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

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

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



Sandra Benetti, Planning Technician

Dated this 21st day of November 2018

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
OCTOBER 24, 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: Chairperson Cates 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 Spada.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Brett Jones, Palmer McCoy, and Tom Spada; David Dees and Susan Toscano absent.

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, Associate Planner Rudy Luquin, and Deputy City Clerk Sara Blevins.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 10, 2018. Motion by Spada, seconded by McCoy to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Dees and Toscano absent.

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.

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

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 (INFILL DEVELOPMENT PROJECTS) FOR SITE PLAN REVIEW #2018-03 AND CONDITIONAL USE PERMIT #2018-11 FOR THE DEVELOPMENT OF A MINI

STORAGE WITHIN THE PROFESSIONAL OFFICE ZONING DISTRICT, CONSISTING OF FIVE (5) STORAGE BUILDINGS WITH AN OFFICE ATTACHED TO ONE BUILDING TOTALING 14,300 SQUARE FEET LOCATED SOUTH OF H STREET AND WEST OF SECOND STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-060-012.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that staff made changes to the staff report and resolutions and has distributed those changes to the Planning Commission.

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

There was discussion between the Commissioners and staff regarding the masonry wall condition, the process relating to conditions added by the Project Review Board, and how and when applicants are made aware of changes.

Community & Economic Development Director Elms spoke of how the intent of the Design Review Study Session is to provide feedback to the applicant early on, how it's a preliminary stage, how the Project Review Board reviews projects at a more final stage, and how the Planning Commission's decision tonight involves going thru the Conditions of Approval to determine if they are reasonable.

Chairperson Cates reopened the Public Hearing. Bryce Howard, applicant, stated that he was not aware of the addition of a Condition of Approval regarding the masonry wall. Associate Planner Luquin responded that he sent an email to the applicant letting him know to review the staff report and let him know if he had any questions and reminded the applicant that he still has an opportunity to speak regarding his concerns during this public hearing. Bryce Howard, applicant, spoke to his concerns regarding costs associated with the addition of the masonry wall, questioned the necessity of that masonry wall since he owns the adjacent property in which he plans on using for expansion, spoke of how he raised funding for the parking lot, landscaping, and lighting and was going to build this project in stages. Community & Economic Development Director Elms spoke of this being within the purview of the Planning Commission to modify the language of the Conditions of Approval if they so choose. Commissioner Jones spoke of how he would like to work with the applicant and his budget to determine the right path moving forward and suggested putting in sections of the walls by phase. Chairperson Cates spoke of how the apartment complex to the south has a buffer between the properties and his hopes that we can come up with a compromise. Commissioner Jones suggested restricted open hours until the wall is built in order to eliminate some security concern. Commissioner Spada spoke of how he feels it would be most important for the wall to be put at least at the southern property line adjacent to the apartments. Commissioner McCoy suggested to build the building parallel to H Street first and prior to finishing the second building then install the wall at the southern property line, spoke of how he doesn't agree to requiring the wall at the western property line, and how the wall at the eastern property line should be contingent on finishing the rest of the buildings and if he doesn't expand within a certain time frame.

Kathy Ballard, Los Banos, suggested including wording in the Conditions of Approval to allow the applicant to develop in phases and allow him to rent out the finished structures prior to the wall being installed.

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

There was further discussion between the Commissioners and Staff regarding how the build-out phases will work in relation to permits and the order in which the phases will be done. The Commissioners requested that the lighting on the property be LED lighting. An issue regarding fire concerns arose and that changed the Commissioner's opinions about the walls. They suggested the buildings be made of metal otherwise the walls will have to be done to avoid fire hazards. The applicant stated he cannot do the wall as it will be too expensive so he may have to take another approach to the project.

Motion by McCoy, seconded by Spada to adopt Planning Commission Resolution No. 2018-26 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, Infill Development Projects and Approving Site Plan Review #2018-03 for the Development of a Mini Storage Facility Consisting of Five (5) Storage Structures with an Attached Office to One Storage Structure Totaling 14,300 Square Feet Located South of H Street and West of Second Street, More Specifically Identified as Assessor's Parcel Number: 027-060-012 with the revision to Condition of Approval #16 to state that the applicant shall install a concrete masonry wall on the southern property line prior to occupancy of any second building; the masonry wall on the eastern property line shall be required to be constructed at five (5) years or waived if the project does not expand to the eastern property line; the construction of Building A shall require a masonry wall prior to occupancy of this storage unit; and addition of a condition that all outdoor lighting shall be LED. The motion carried by the affirmative action of all Planning Commission Members present; Dees and Toscano absent.

Motion by McCoy, seconded by Spada to adopt Planning Commission Resolution No. 2018-27 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, Infill Development Projects and Approving Conditional Use Permit #2018-11 for the Development of a Mini Storage Facility Consisting of Five (5) Storage Structures with an Attached Office Space to One Storage Structure Totaling 14,300 Square within the Professional-Office Zoning District (P-O) Located South of H Street and West of Second Street, More Specifically Identified as Assessor's Parcel Number: 027-060-012 with the revision to add a Condition of Approval to state that the applicant shall install a concrete masonry wall on the southern property line prior to occupancy of any second building; the masonry wall on the eastern property line shall be required to be constructed at five (5) years or waived if the project does not expand to the eastern property line; the construction of Building A shall require a masonry wall prior to occupancy of this storage unit; and addition of a condition that all outdoor lighting shall be LED. The motion carried by the affirmative action of all Planning Commission Members present; Dees and Toscano absent.

PUBLIC HEARING – TO CONSIDER AN ADDENDUM TO MITIGATED NEGATIVE DECLARATION (SCH # 2005071027) AND VESTING TENTATIVE TRACT MAP #2018-03 FOR SHAUNESSY VILLAGE CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 39.1 ACRES INTO 151 LOW-DENSITY AND MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL LOTS LOCATED EAST OF MERCEY SPRINGS ROAD AND 370 FEET NORTH OF SCRIPPS DRIVE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 083-100-005 & 083-100-006.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation. He also read a letter that was sent to the Planning Department regarding a request in relation to a masonry wall requirement.

There was discussion between the Commissioners and Staff regarding the street width within this new development.

Chairperson Cates opened the public hearing. Tony De Melo, North Star Engineering Group, stated that he appreciated the opportunity to work on this project and provided a brief history of how they took over the project at the end of 2017. He further noted a masonry wall as a condition that the developer would like to negotiate on but that it would be accepted if there was no way around it. Kathy Ballard, Los Banos, inquired as to certain street designs and about the grading of the ground for which Community & Economic Development Director Elms stated that the design of the streets is intended to minimize any traffic conflicts that could arise and make it more pedestrian friendly. The grading levels of the development would be comparable to existing properties. Walt Ballard, Los Banos, spoke to ground grading issues in the area and made an inquiry regarding a four way stop for which Community & Economic Development Director Elms stated that speed mitigation factors, such as speed cushions, will be put in place. Betsy Carter, Los Banos, stated that she owns property in the area and that her weakened fence will be backed up to the developing property and had concerns about it. Tony De Melo stated that all fencing will be replaced.

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

There was further discussion between the Commissioners and Staff regarding changes to the conditions and lot sizes.

Motion by Spada, seconded by McCoy to adopt Planning Commission Resolution No. 2018-28 – Approving an Addendum to Adopted Mitigated Negative Declaration (SCH #2005071027) for Vesting Tentative Tract Map No. 2018-03 for Shaunessy Village Located East of Mercey Springs Road and 370 Feet North of Scripps Drive, More Specifically Identified as Assessor’s Parcel Numbers: 083-100-005 and 083-100-006. The motion carried by the affirmative action of all Planning Commission Members present; Dees and Toscano absent.

Motion by McCoy, seconded by Spada to adopt Planning Commission Resolution No. 2018-29 – Approving Vesting Tentative Tract Map #2018-03 for the Shaunessy Village Subdivision to Subdivide Approximately 31.9 Acres into 151 Low and Medium-Density

Residential Lots Generally Located East of Mercey Springs Road and 370 Feet North of Scripps Drive, More Specifically Identified as Assessor's Parcel Numbers: 083-100-005 and 083-100-006. The motion carried by the affirmative action of all Planning Commission Members present; Dees and Toscano absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms reported that today was a very exciting day for the Community & Economic Development Department as well as the City of Los Banos as a whole. The City hosted 50 delegates from South America who were touring places of agricultural innovation. They felt very at home here and were very impressed with the agricultural knowledge the community and City possessed. She noted that Planning Technician Benetti will be out for a couple of weeks and hopes she will be on the mend very soon.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Chairperson Cates echoed the other comments made by the other commissioners.

DEES: Absent.

JONES: Commissioner Jones spoke to updating neighborhood standards and also spoke to items on tonight's agenda.

McCOY: Spoke to the work being done adjacent to Togo's and how it will be a Boot Barn, expressed his agreement with Commissioner Spada's comments earlier regarding how applicants should be notified of conditional changes made by the project review board.

SPADA: Commissioner Spada spoke to a semi-truck that has been parked in the Harbor Freight parking lot and how much of a mess it is causing. Staff is doing a great job at the work they are doing. He was surprised that the applicant from one of today's items did not read the packet that was provided to him regarding his project and suggests that applicants be made aware of changes the project review board makes.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:49 p.m.

APPROVED:

John Cates, Chairperson

ATTEST:

Sara Blevins, Deputy City Clerk

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
NOVEMBER 14, 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: Chairperson Cates 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 Spada.

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

STAFF MEMBERS PRESENT: Community & Economic Development Director Stacy Elms, Associate Planner Rudy Luquin, and Assistant City Clerk Jana Sousa.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Spada to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 24, 2018. Commissioner McCoy requested the minutes be continued to the November 27, 2018 adjourned Planning Commission meeting to allow time to listen to the October 24, 2018 Planning Commission meeting audio file and get clarification on the intent of the motion in regards to storage units and the masonry wall as the motion is not stated in the minutes the way he remembers it.

Motion by McCoy, seconded by Dees to continue the October 24, 2018 Planning Commission meeting minutes to the November 27, 2018 adjourned Planning Commission meeting. The motion carried by the affirmative action of all Planning Commission Members present.

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. Chairperson Cates opened the public forum.

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

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING COTTAGE FOOD OPERATION PERMIT #2018-01 FOR STEPHANIE KUSAYANAGI-DEES LOCATED AT 780 AMELIA COURT, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 082-382-048. Commissioner Dees stated that his wife is the applicant in this operation and therefore he would not be voting on the item; he left his seat at the dais and left the Council Chambers.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Chairperson Cates opened the public hearing.

Stephanie Kusayanagi-Dees, Los Banos, stated she’s already applied with the health department and is just waiting on the Cottage Food Operation Permit.

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

Motion by Spada, seconded by McCoy to adopt Planning Commission Resolution No. 2018-30 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15301, Existing Facilities and Approving Cottage Food Operation #2018-01 for Stephanie Kusayanagi-Dees located at 780 Amelia Court, More Specifically Identified as Assessor’s Parcel Number: 082-382-048. The motion carried by the affirmative action of all Planning Commission Members present; Dees absent.

Commissioner Dees returned to the dais.

PUBLIC HEARING – TO CONSIDER MITIGATED NEGATIVE DECLARATION (SCH #2018101015) AND VESTING TENTATIVE TRACT MAP #2017-03 FOR SUNRISE RANCH CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 43 ACRES INTO 197 LOW-DENSITY RESIDENTIAL LOTS LOCATED NORTH OF SAN LUIS STREET, SOUTH OF B STREET, EAST OF PLACE ROAD AND LOS BANOS JUNIOR HIGH, AND WEST OF EXISTING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-080-001. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that one comment letter was received from the San Joaquin Valley Air Pollution District in regards to the Mitigated Negative Declaration and stated that a copy of the letter is in the agenda packet.

Commissioner Spada questioned the traffic study report stating that the area is already backed up when school lets out, the report addressed what would be done but it wasn’t clear on signal light placement.

Associate Planner Luquin stated a signal light would be placed at the intersection of Place Road and B Street.

Community & Economic Development Director Elms explained that the traffic signal would be installed with whichever project occurs first whether it is Sunrise Ranch or the proposed school project to occur on the opposite corner, there is also a signal light to be installed at Highway 165 and San Luis Street when it meets the signal warrants.

Commissioner Dees expressed concerns about the project causing additional dangers due to higher traffic levels.

Community & Economic Development Director Elms stated the traffic study does not indicate dangers due to higher traffic levels, it does address the issue of Place Road and B Street being mitigated at the time the project is built.

Commissioner Dees questioned if the project would add additional stress on the existing water system.

Community & Economic Development Director Elms stated the General Plan is based on a Water Master Plan which determines adequate water supply as projects are built and this project will be adequately served with the City's infrastructure.

Chairperson Cates opened the public hearing.

Rick Mummert, Principal Engineer of Benchmark Engineering, thanked Associate Planner Luquin and Community & Economic Development Director Elms for their work on the project, spoke of how this project has been in the works for a while and the main reason is that the traffic concern was an issue, looked at the cumulative effects and there was a merge with three other traffic studies in the area, had to expand the intersection which affected the layout, there is a B Street drain where the head walls are, there is a park in the middle to share, took into consideration the surrounding schools when building out the project, fourteen feet between the curb and the wall, he requested that an addition be made in regards to Conditions of Approval #59, 66, 67, 104 & 105, would like to add a sentence at the end of each condition to state "at the discretion of the City's Engineer and the City's Traffic Engineer" in relation to the timing and the need.

Community & Economic Development Director Elms stated that staff concurs with the request to add wording to the conditions as stated.

Commissioner McCoy stated this has gone through three other traffic studies and many others have looked at the project and he is concerned about adding the statement to allow discretion of the City Engineer when that person's opinion may change causing something else to come out of the project, doesn't mind leaving the timing up to the

City's Engineer, but doesn't want to see the City Engineer having to make a decision if a condition occurs or not.

Community & Economic Development Director Elms stated that Condition of Approval #59 was the only condition that concerned the City's Engineer who stated he would want to see a Traffic Engineer sign off on the impact first confirming that it does more harm than good in order for the City to agree to the condition, this design is answering the City's Project Review Board conditions.

Commissioner Spada stated he would like the message passed on that the City would like to see more parking garages to alleviate the heavy vehicle impact on the neighborhoods.

Commissioner Dees stated the issue is a really large house on a cul-de-sac and no adequate parking for the size of the home.

Kathy Ballard, Los Banos, questioned if the numbers were current since this project has been in the process for many years.

Community & Economic Development Director Elms answered stating the numbers are current.

David Bosano, Los Banos, stated he is a homeowner that will be directly affected by the decision on this project, this area gets ridiculous amounts of heavy traffic and he doesn't see how one traffic signal light solves the problem, there are some unsafe conditions out there, the kids are not safe, the kids themselves cause a lot of the problems but drivers don't look out either, been passed at 25 mph by people driving their kids to school, what you're adding is a disaster in the making, lives in the subdivision just north of B Street and sees parents parking in front of his house to pick up their children, it's not safe, needs to be some serious thought in how to handle this, it's horrible before school and after school, it's getting worse where traffic is congested even throughout the day, when the stop sign at B Street and Place Road gets backed up many vehicles are driving through his neighborhood, and how he is hoping to find a solution.

Don Larson, Los Banos Unified School District Assistant Superintendent, stated he is happy to announce the school district has entered into an agreement with Stonefield Home, Inc. that fully mitigates the impact of the project.

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

Motion by McCoy, seconded by Spada to adopt Planning Commission Resolution No. 2018-31 – Approving Certification of Mitigated Negative Declaration (SCH #2018101015) for Vesting Tentative Tract Map #2017-03 for Sunrise Ranch Located East of Place Road, South of B Street, and North of San Luis Street, More Specifically Identified as Assessor's Parcel Number: 428-080-001 in addition to the Mitigation

Monitoring Program. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Spada, seconded by Jones to adopt Planning Commission Resolution No. 2018-32 – Approving Vesting Tentative Tract Map #2017-03 for the Sunrise Ranch Subdivision to Subdivide Approximately 43 Acres into 197 Low Density Residential Lots Generally Located East of Place Road, South of B Street, and North of San Luis Street, More Specifically Identified as Assessor’s Parcel Number: 428-080-010 including adding a sentence to Conditions of Approval #59, 66, 67, 104 & 105 to state “at the discretion of the City’s Engineer and the City’s Traffic Engineer”. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL GENERAL PLAN AMENDMENT #2018-01, ZONE CHANGE #2018-01, AND NEGATIVE DECLARATION (SCH #2018101013) FOR THE LOS BANOS POLICE STATION FACILITY LOCATED AT 1111 G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 026-161-003 AND PORTION OF 026-161-008. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that one comment letter was received from the San Joaquin Valley Air Pollution Control District which is in the agenda packet.

Commissioner Dees inquired as to the zoning change.

Community & Economic Development Director Elms stated that the plan is not changing other than this section being designated to public facility institutional, the rail corridor regulating code is still in effect except for the parcels we are speaking of tonight.

Commissioner McCoy questioned the traffic increase to G Street noting the traffic study doesn’t state it will be significant.

Community & Economic Development Director Elms stated the study doesn’t show much impact with this project, but it will need to be analyzed when future projects come to the area.

City Attorney Vaughn stated one of the conditions is to zone the area correctly, the City is probably six months to a year from acquiring the property.

Chairperson Cates opened the public hearing.

Kathy Ballard, Los Banos, stated she has never seen parcels split up and re-zoned, wonders if the City owns all parcels and if the re-zone would need to meet the requirements of the rail corridor.

Community & Economic Development Director stated there will be a lot adjustment taking place in the future and how it is premature to do it now as the City does not yet own the property.

City Attorney Vaughn stated the cost of the property was high and City did not need the entire property which is why it is being split up.

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

Motion by McCoy, seconded by Jones to adopt Planning Commission Resolution No. 2018-33 – Recommending to the Los Banos City Council Adoption of Negative Declaration (SCH #2018101013) for the Los Banos Police Station Facility Located at 1111 G Street, More Specifically Identified as Assessor's Parcel Numbers: 026-161-003 and Portion of 026-161-008. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by McCoy, seconded by Jones to adopt Planning Commission Resolution No. 2018-34 – Recommending Approval to the Los Banos City Council of General Plan Amendment #2018-01 and Zone Change #2018-01 for the Los Banos Police Station Facility Located at 1111 G Street, More Specifically Identified as Assessor's Parcel Numbers: 026-161-003 and Portion of 026-161-008 and Finding that the Acquisition of the Property is Consistent with the City's General Plan. The motion carried by the affirmative action of all Planning Commission Members present.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF A NEW 4,200 SQUARE FOOT STRUCTURE FOR WESTERN DENTAL, LOCATED AT 1153 W. PACHECO BLVD. IN THE HIGHWAY COMMERCIAL (H-C) ZONING DISTRICT. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Tanner Tingey, Danville, California, applicant, stated Western Dental has been a client of his for many years and he identified Los Banos as a great community needing the service, it has taken him twelve years to convince them to come.

Commissioner Spada stated he likes what he sees, no changes or suggestions from him, this is a very nice layout, likes the trash containers off to the side.

Commissioner Jones stated it looks like traffic going through Jack-in-the-Box would have to now go around to exit onto Pacheco Boulevard.

Mr. Tingey stated that is being worked around to assist the vehicles to exit onto Pacheco Boulevard.

Kathy Ballard, Los Banos, inquired if there would be a separate biohazardous waste container and if it would be large enough to hold the trash expected.

Mr. Tingey stated he believes there is a system within the office that handles the biohazardous material and another company comes in to get that waste.

Community & Economic Development Director Elms stated that the City of Los Banos does not handle biohazardous wastes.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Community & Economic Development Director Elms reported that the November 27, 2018 meeting adjournment is due to two projects that need to go to the City Council and how she wanted to make sure to do that by the end of the year.

PLANNING COMMISSION MEMBER REPORTS.

McCOY: Spoke of how there is a good chance he won't be able to attend the meeting on November 27, 2018 and congratulated Commissioner Jones on getting elected to the City Council.

JONES: No Report.

TOSCANO: No report.

SPADA: Congratulated Commissioner Jones on getting elected to the City Council.

DEES: Apologized to all for missing the last two Planning Commission meetings.

CATES: Congratulated Commissioner Jones on getting elected to the City Council.

ADJOURNMENT: The meeting was adjourned at the hour of 8:47 p.m. to 7:00 p.m., Tuesday, November 27, 2018 for a Special Planning Commission Meeting Being Held at Los Banos City Hall, Council Chambers, 520 J Street, Los Banos, California.

APPROVED:

John Cates, Chairperson

ATTEST:

Jana R. Sousa, Assistant 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 *RL*

DATE: NOVEMBER 27, 2018

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT #2018-13 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 21 OFF-SALE OF GENERAL ALCOHOL FOR VILLAGE LIQUOR LOCATED AT 2220 EAST PACHECO BOULEVARD SUITES D & E: 428-160-029

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-35 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 #2018-13 to the Los Banos City Council to allow for the sale of alcohol under a Type 21 off-sale general alcohol license for Village Liquor located at 2220 East Pacheco Boulevard suites D & E, APN: 428-160-029.

PROJECT BACKGROUND/DESCRIPTION:

On December 19, 2012, the applicant, Rajbir Gill (d.b.a Village Liquor), was originally approved for a Conditional Use Permit to allow the off-sale of general alcohol subject to a Type 21 alcohol license for Village Liquor located at 2260 E. Pacheco Boulevard, Suite A. Presently, the applicant, will be closing the current location and will be moving Village Liquor to a new location within the College Plaza Shopping Center at 2220 E. Pacheco Boulevard, Suites D & E. The move to the new location requires a Conditional Use Permit to allow the sale of alcohol.

Village Liquor will continue to conduct business seven (7) days a week, Sunday through Thursday from 8:00 AM until 11:00 PM and Friday and Saturday from 8:00 AM until 12:00 AM. The property is located within the Highway Commercial Zoning District. The intended retail use is an allowed use and is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and the 2030 Los Banos General Plan.

LOCATION AND ACCESS:

The project site is located within the College Plaza Shopping Center at 2220 East Pacheco Boulevard, Assessor's Parcel Number: 428-160-029. The project site is located within the Highway Commercial Zoning District (H-C) and consists of various commercial uses.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Highway Commercial	H-C	Commercial
North	Low Density Residential	R-1	Residential
South	Highway Commercial	H-C	Commercial
East	Highway Commercial	H-C	Commercial

West Highway Commercial H-C Commercial

H-C = Highway Commercial 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 the off-sale of general alcohol involving the permitting and licensing of an existing private structure and involves no expansion at 2220 East Pacheco Boulevard, APN 428-160-029.

USE PERMIT ANALYSIS

Code Requirements

Pursuant to the Los Banos Municipal Code Section 9-3.2322, a Conditional Use Permit is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. The Planning Commission is the recommending body and the City Council is the decision making body for Conditional Use Permits for the on-sale and off-sale of alcoholic beverages. 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.

Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or

designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations:

1. The primary use is a retail Liquor Store.
2. The surrounding area, adjacent uses, and function are primarily commercial in nature. A retail liquor store for the off-sale of general alcohol in this location is consistent with the commercial uses of the Highway Commercial Zoning District.
3. Staff is unaware of any significant problems related to crime and loitering, in the surrounding area which would be exacerbated by the off-sale of general alcohol at this location.
4. The approval of the sale of general alcohol for off-site consumption will not contribute to the undue proliferation of alcohol sales in the area where that use would be undesirable taking into account the characteristics of the area. Additionally, the entitlement will include conditions of approval which will regulate the operational characteristics of allowing the sale of general alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.
5. The proposed use is not located within the immediate vicinity to any churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.
6. The project is located on Pacheco Boulevard which is primarily occupied by commercial uses. Conditions of approval will regulate loitering and operational characteristics to insure that the proposal will not interfere with the movement of people along the public right-of-way.
7. There are residential units in the immediate vicinity of the project site. There is an existing concrete masonry wall that serves as a noise buffer. The project will include conditions of approval which regulate the operational characteristics of allowing the sale of general alcohol for off-site consumption and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity.

All sales of alcohol will be conducted within the liquor store and must be consumed off the premises. In addition, the project will be subject to conditions which will mitigate any adverse effects on the surrounding neighborhood and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. The liquor store, Village Liquor, will also be subject to the Los Banos Municipal Code Noise Ordinance.

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 21 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Zoning Code.

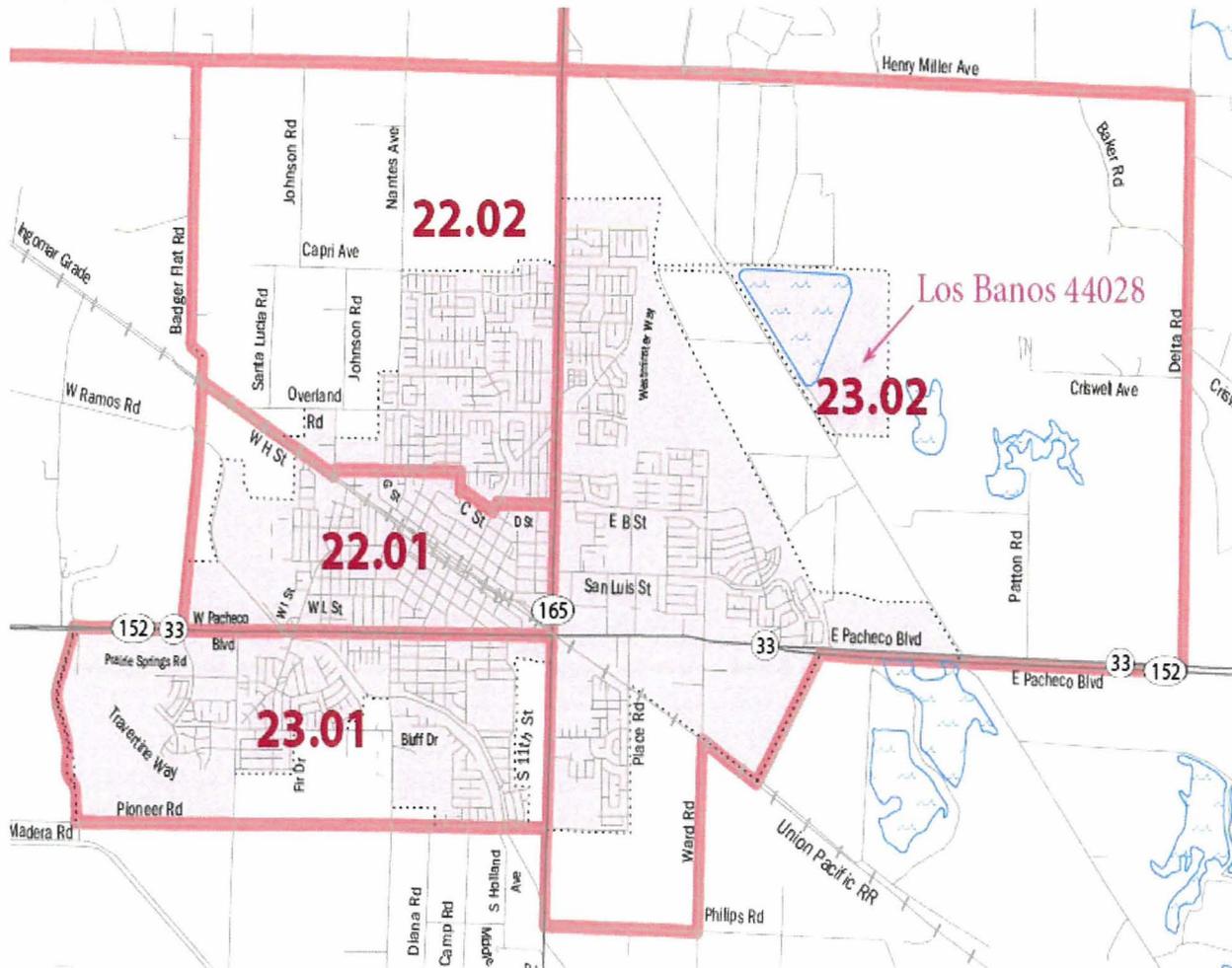
ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license
- f) The personal conduct of the licensee

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

Census Tract

The project site is located in census tract 23.02.



As of the date of this report, there are six (6) off-sale licenses currently active in this specific census tract. The nearest active off-sale alcohol license to the project site within census tract 23.02 is Fresh Fill (Chevron) located at 2270 East Pacheco Boulevard is approximately 500 feet away. This application will not add an active off-sale licenses as the existing license will be transferred to the new location.

License Type	Business Name	Address
21	Food 4 Less	2000 E. Pacheco Blvd
20	Walgreens #06418	1360 E. Pacheco Blvd
21	Circle K #6068	410 N. Mercey Springs Rd.
21	Save Mart #631	1400 Mercey Springs Rd.
20	Fresh Fill (Chevron)	2270 E. Pacheco Blvd.
21	Village Liquor	2260 E. Pacheco Blvd

Type 20 license = off-sale beer and wine Type 21 license = off-sale general alcohol

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 November 16, 2018. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan – ED-G-7, LU-G-10

Los Banos Municipal Code – Section 9-3.2322

ABC Act, California Business and Professions Code

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-35 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 #2018-13 to the Los Banos City Council to allow for the sale of alcohol under Type 21 off-sale of general alcohol license at Village Liquor located at 2220 Pacheco Boulevard, Suites D and E, APN 428-160-029

ATTACHMENTS:

1. Resolution 2018-35
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval

2. Floor Plan
3. Site Photos
4. Public Hearing Notice – November 16, 2018

RESOLUTION NO. 2018-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS 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 #2018-13 TO THE LOS BANOS CITY COUNCIL TO ALLOW FOR THE SALE OF ALCOHOL UNDER TYPE 21 OFF-SALE OF GENERAL ALCOHOL LICENSE FOR VILLAGE LIQUOR LOCATED AT 2220 EAST PACHECO BOULEDARD SUITES D & E, APN 428-160-029

WHEREAS, the applicant, Rajbir Gil (d.b.a. Village Liquor), has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 21 alcohol license for the off-sale of general alcohol, for Village Liquor located at 2220 East Pacheco Boulevard, Suites D & E, Assessor's Parcel Number: 428-160-029; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on November 16, 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 duly noticed 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 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2018-13 for Village Liquor was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

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 affirm the determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and recommends the approval of Conditional Use Permit #2018-13 to the Los Banos City Council to allow the sale of alcohol under a Type 21 off-sale of general alcohol license for Village Liquor, located at 2220 East Pacheco Boulevard Suites D and E, APN 428-160-029, 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 27th day of November 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:

Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2018-13 – VILLAGE LIQUOR

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2018-13 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the off-sale of general alcohol involves the permitting and licensing of an existing private structure and involves no expansion at 2220 East Pacheco Boulevard, Suites D & E, APN 428-160-029.
2. Conditional Use Permit #2018-13 was adequately noticed on November 16, 2018, for consideration at a public meeting on November 27, 2018.
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 FOR CONDITIONAL USE PERMIT #2018-13 – VILLAGE LIQUOR

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

1. General Findings:

- a. The project is consistent with the City of Los Banos General Plan.

The existing General Plan land use designation for the project site is Commercial, which is intended for commercial development, located off of East Pacheco Boulevard, allowing for commercial uses.

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-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.

Evidence/Analysis: Rajbir Gill (d.b.a. Village Liquor) will have the ability to provide a wider range of service for customers and allows the retail liquor store to compete with similar type businesses. The proposed use would continue a commercial use that is compatible with and complementary of existing commercial uses adjacent to the project site. 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 Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9, Chapter 3, Article 13 as the use will be consistent with the surrounding area, adjacent uses, and function are primarily commercial in nature. A retail liquor store providing for the off-sale of general alcohol is permitted in this location.

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 off-sale of general alcohol will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the store is located. The project contains conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

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

Evidence/Analysis: The proposed use will be conducted in the location in which commercial retail uses to operate and will not result in significant operational changes to the existing commercial area. The areas function and character is Commercial, which includes uses that sell alcohol. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

2. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: The primary use in conjunction with the selling general alcohol for off-site consumption is a retail liquor store. As reflected in the staff report, the number of off-sale licenses in the Census Tract is currently six (6). This proposal will not increase the amount of active licenses as this proposal will transfer an existing license to a new location within the same shopping center. The census tract area and function is primarily commercial in nature, and is entirely consistent with a

retail liquor store and the sale of general alcohol for off-site consumption. The project would include conditions of approval which regulate the operational characteristics of allowing the selling of general alcohol for off-site consumption and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering. Staff is unaware of any significant problems in the area related to crime and loitering, which would be negatively affected by the off-sale of general alcohol at this location.

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: Conditions of Approval have been incorporated into the project which regulate the operational characteristics of allowing the selling of general alcohol for off-site consumption and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity. The project is not located within the immediate proximity of any sensitive uses.

3. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: Alcohol will not be allowed to be consumed on the premises of the liquor store at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Signage will also be provided on the property and building which prohibit loitering. It is not anticipated that the off-sale of general alcohol at this location will adversely affect any important pedestrian right of ways.

4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: There are residential units in the immediate vicinity of the project site. There is an existing concrete masonry wall that serves as a noise buffer. The project will include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2018-13– VILLAGE LIQUOR

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.
2. Conditional Use Permit 2018-13 is for Rajbir Gill (d.b.a.Village Liquor) located at 2220 East Pacheco Boulevard Suites D & E, Assessor's Parcel Number: 428-160-029 and the requested use shall automatically and without notice expire after one (1) year from date of approval by the Los Banos City Council unless commenced. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or significant change to the primary use and 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. The Conditional Use Permit shall automatically and without notice expire one year after discontinuance of the primary use and/or the uses approved under the Conditional Use Permit.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 21 "off-sale of general alcohol" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Community and Economic Development Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the exterior of the premises free of litter and trash at all times including the parking lot areas in front of the premises. No storage of equipment, supplies, or merchandise of any kind shall be allowed in the front or rear exterior of the building. All deliveries shall be made from the rear of the building.
7. The Planning Commission reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The

City may amend or impose new conditions to mitigate adverse effects in the neighborhood resulting from the use of alcohol on the premises.

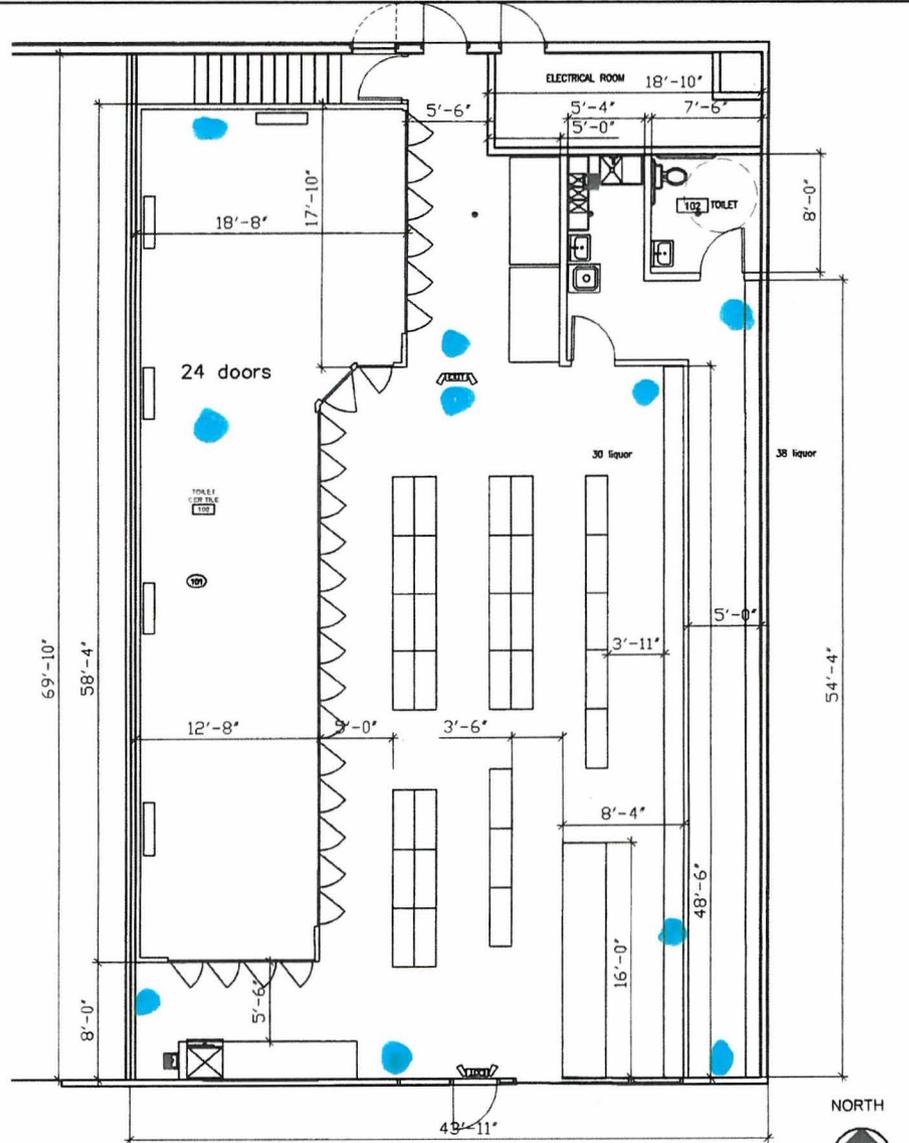
8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including parking lot areas (front and rear), shall be sufficiently illuminated, to the satisfaction of the Police Chief, 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.
10. The premises shall be operated primarily as a retail liquor store as described in the application prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Conditional Use Permit. The applicant shall notify the Community and Economic Development Department of any substantial or significant changes in use or operation of the premises from the Operational Statement.
11. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
12. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code continue to be valid upon change of ownership of the site or structure which was the subject of the Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met. The applicant shall immediately notify the Community and Economic Development Department of any changes in ownership.
13. 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.
14. Consumption of alcohol shall not be allowed on the premises of the retail liquor store.
15. No loud amplification of music or voice shall be allowed outside.
16. The applicant/operator shall have monitoring cameras in the exterior and interior of the retail liquor store at all times to the satisfaction and approval of the Police Chief. 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.
17. The premises shall be operated in accordance with the Los Banos Municipal Code Noise Ordinance.
18. The applicant shall acknowledge and execute receipt of a copy of the foregoing Conditions of Approval.
19. The applicant/operator shall provide signs prohibiting loitering on the property and/or building subject to the approval of the Community and Economic Development Director.
20. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**

RECEIVED
MAY 08 2018

BY:

WALL LEGEND
 ———— EXISTING STUD WALL
 // // // NEW 2X4 WOOD STUD WALL
 - - - - DEMO EXISTING STUD WALL



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

KAESTNER ARCHITECT
 P.O. Box 1777
 Emeryville, California 94619
 KENNETH H. KAESTNER JR.
 (209) 450-0085
 E-Mail: KKaestner@aol.com



VILLAGE LIQUOR AND MORE
 TENANT IMPROVEMENT FOR:
 2220 EAST PACHECO BLVD
 LOS BANOS CALIFORNIA

PROJECT NUMBER	LOS BANOS, NEW STORE 2018
FILENAME	LOS BANOS 2018
DRAWN BY	AK
CHECKED BY	K.H.K.
REVISIONS	
first review	5/28/18
ISSUE DATE	
SHEET TITLE	FLOOR PLAN plan C
SHEET NUMBER	A1

10 CAMERAS

FOR LEASE – College Plaza

**2220 East Pacheco Boulevard
Los Banos, CA 93635**



College Plaza Co-Tenants:



PROPERTY HIGHLIGHTS:

- Well located on Highway 152 & Ward Road
- Close proximity to Residential & Commercial Growth
- High traffic of 33,000 ADT along E Pacheco Boulevard



LOT AVAILABLE

- Co-Anchor Buildable Pad – 22,000 SF BTS or Land Sale



Brian Heron

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Brian@NaiBenchmark.com
BRE# 01091898

No warranty or representation, express or implied, is made as to the accuracy of the information contained herein, and the same is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale, lease or financing, or withdrawal with out notice, and of any special listing conditions imposed by our principals no warranties or representations are made as to the condition of the property or any hazards contained therein are any to be implied.





City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 16, 2018

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-13 – Type 21 Alcohol License

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 of a Type 21 Alcohol License for the off-sale of general alcohol. The requested Conditional Use Permit is for Village Liquor located at 2220 E. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number 428-160-029.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Tuesday, November 27, 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 AND COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER *RL*

DATE: NOVEMBER 27, 2018

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT #2018-14 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 21 OFF-SALE OF GENERAL ALCOHOL FOR MI BARRIO LOCATED AT 403 NORTH MERCY SPRINGS ROAD: 082-072-024

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-36 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 #2018-14 to the Los Banos City Council to allow for the sale of alcohol under a Type 21 off-sale general alcohol license for Mi Barrio located at 403 Mercey Springs Road, APN: 082-072-024.

PROJECT BACKGROUND/DESCRIPTION:

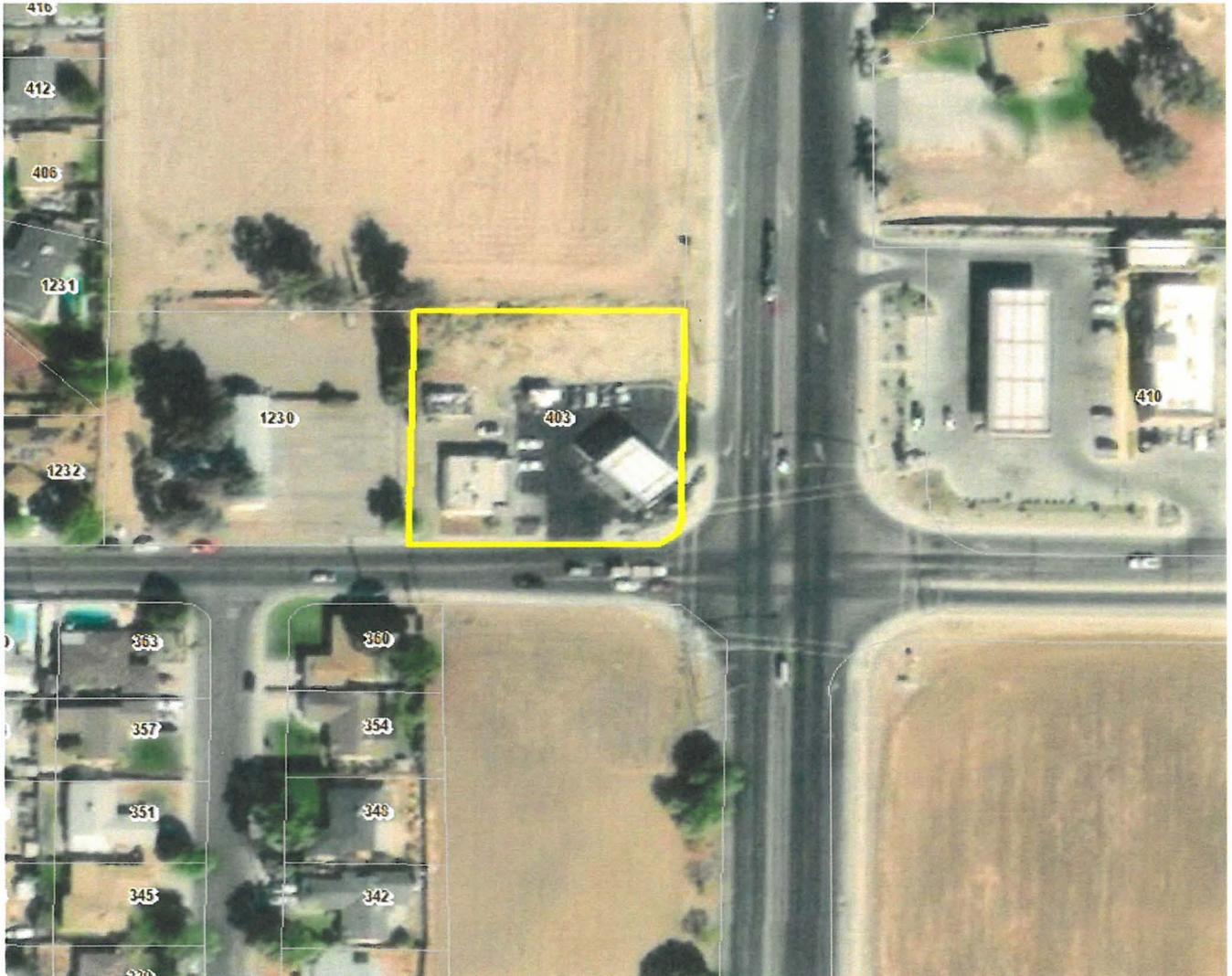
On August 6, 2014, the applicant, Jay Virk (d.b.a Mi Barrio), was originally approved for a Conditional Use Permit to allow the off-sale of general alcohol subject to a Type 20 alcohol license for Mi Barrio located at 403 North Mercey Springs Road. Shortly thereafter, on September 2, 2018, the City Council agreed to amend Conditional Use Permit #2014-09 by removing a condition that did not permit Mi Barrio to sell single cans/ bottles of beer. Presently, the applicant is requesting for a type 21 off-sale of general alcohol license which requires a Conditional Use Permit to allow the intensification from a type 20 off-sale of beer and wine to a type 21 off-sale of general alcohol.

Mi Barrio will continue to conduct business seven (7) days a week, Sunday through Thursday from 4:00 AM until 12:00 AM and Friday and Saturday from 5:00 AM until 1:00 AM. The property is located within the Highway Commercial Zoning District. The intended retail use is an allowed use and is consistent with the Los Banos Municipal

Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and the 2030 Los Banos General Plan.

LOCATION AND ACCESS:

The project site is located at the north west corner of Mercey Springs Road and Overland Avenue intersection at 403 North Mercey Springs Road, Assessor's Parcel Number: 082-072-024. The project site is located within the Highway Commercial Zoning District (H-C) and consists of various commercial uses.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Project site	Highway Commercial	H-C	Commercial
North	Highway Commercial	H-C	Commercial
South	Low Density Residential/ Vacant	R-1/C-N	Low-Medium Density Residential
East	Highway Commercial	H-C	Commercial
West	Highway Commercial	H-C	Commercial

H-C = Highway Commercial
C-N = Neighborhood Commercial

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 the off-sale of general alcohol involving the permitting and licensing of an existing private structure and involves no expansion at 403 North Mercey Springs Road, APN 082-072-024.

USE PERMIT ANALYSIS

Code Requirements

Pursuant to the Los Banos Municipal Code Section 9-3.2322, a Conditional Use Permit is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. The Planning Commission is the recommending body and the City Council is the decision making body for Conditional Use Permits for the on-sale and off-sale of alcoholic beverages. 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.

Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations:

1. The primary use is a retail convenience store/ gas station.
2. The surrounding area, adjacent uses, and function are primarily commercial in nature. A retail convenience store/ gas station for the off-sale of general alcohol in this location is consistent with the commercial uses of the Highway Commercial Zoning District.
3. Staff is unaware of any significant problems related to crime and loitering, in the surrounding area which would be exacerbated by the off-sale of general alcohol at this location.
4. The approval of the sale of general alcohol for off-site consumption will not contribute to the undue proliferation of alcohol sales in the area where that use would be undesirable taking into account the characteristics of the area. Additionally, the entitlement will include conditions of approval which will regulate the operational characteristics of allowing the sale of general alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.
5. The proposed use is located within the immediate vicinity of a place of worship. The project will include conditions of approval which regulate the operational characteristics of allowing the sale of general alcohol for off-site consumption and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity and therefore will not have any adverse effect to the place of worship.
6. The project is located on Mercey Springs Road which is primarily occupied by commercial uses. Conditions of approval will regulate loitering and operational characteristics to insure that the proposal will not interfere with the movement of people along the public right-of-way.
7. There are residential units in the immediate vicinity of the project site. The project site is located on the northern portion of Overland Avenue and will not directly impact the existing residential uses as Overland Avenue separates the uses. The project will include conditions of approval which regulate the operational characteristics of allowing the sale of general alcohol for off-site consumption and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. Therefore, the proposed use will not disrupt sleeping activities to the neighboring residences.

All sales of alcohol will be conducted within the liquor store and must be consumed off the premises. In addition, the project will be subject to conditions which will mitigate any adverse effects on the surrounding neighborhood and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. The convenience store/ gas station, Mi Barrio, will also be subject to the Los Banos Municipal Code Noise Ordinance.

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 21 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Zoning Code.

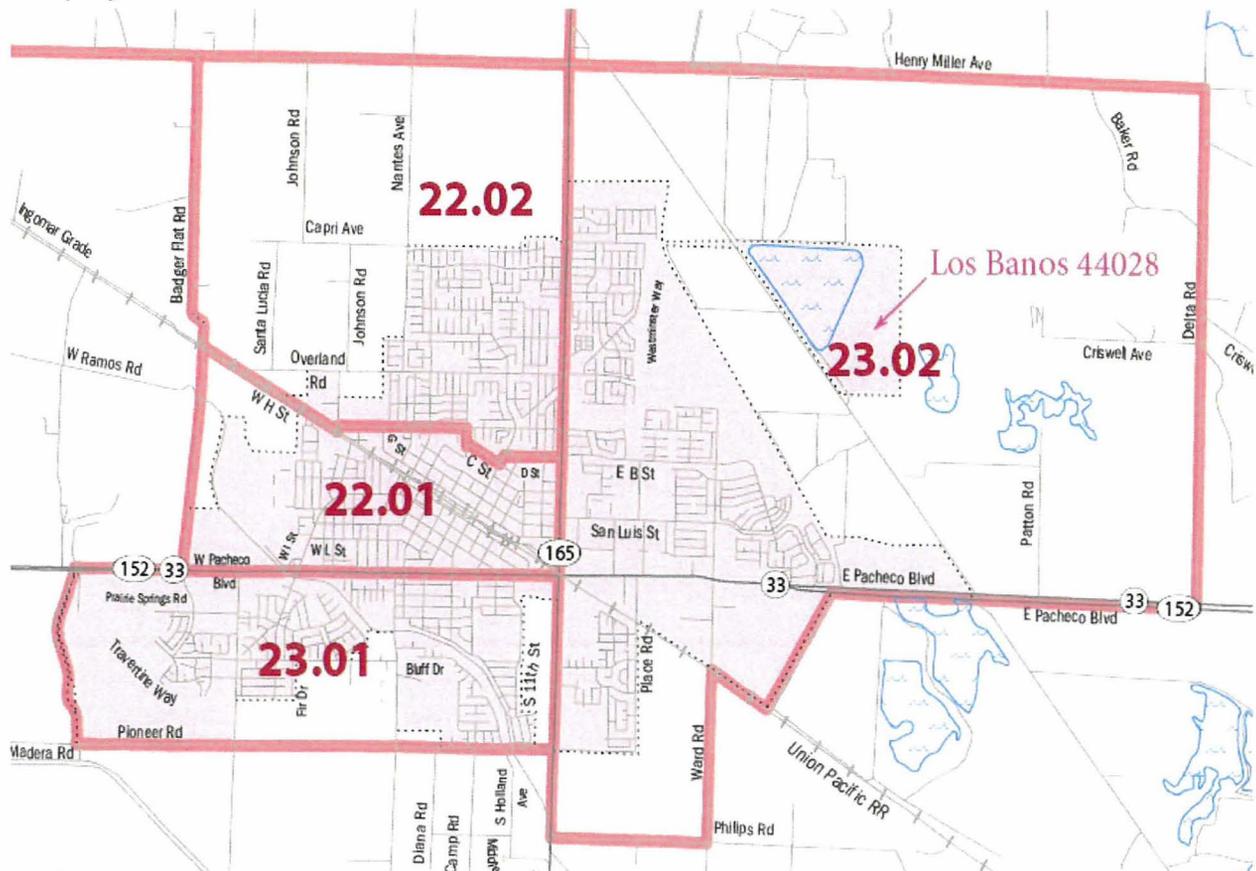
ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license
- f) The personal conduct of the licensee

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

Census Tract

The project site is located in census tract 22.02.



As of the date of this report, there are three (3) off-sale licenses currently active in this specific census tract. The nearest active off-sale alcohol license to the project site within census tract 22.02 is Dollar General #13697 located at 485 North Mercey Springs Road is approximately 630 feet away. This application will not add an active off-sale licenses as the existing type 20 off-sale beer and wine will be voided out once the requested type 21 off-sale general alcohol is approved.

License Type	Business Name	Address
21	Los Camperos	225 Seventh Street
21	Dollar General #13697	485 N. Mercey Springs Road
20	Mi Barrio Food and Gas Mart	403 N. Mercey Springs Rd.

Type 20 license = off-sale beer and wine Type 21 license = off-sale general alcohol

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 November 16, 2018. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan – ED-G-7, LU-G-10

Los Banos Municipal Code – Section 9-3.2322

ABC Act, California Business and Professions Code

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2018-36 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 #2018-14 to the Los Banos City Council to allow for the sale of alcohol under Type 21 off-sale of general alcohol license at Mi Barrio located at 403 North Mercey Springs Road, APN 082-072-024.

ATTACHMENTS:

1. Resolution 2018-36
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval
2. Floor Plan
3. Site Photos
4. Public Hearing Notice – November 16, 2018

RESOLUTION NO. 2018-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS 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 #2018-14 TO THE LOS BANOS CITY COUNCIL TO ALLOW FOR THE SALE OF ALCOHOL UNDER TYPE 21 OFF-SALE OF GENERAL ALCOHOL LICENSE FOR MI BARRIO LOCATED AT 403 NORTH MERCY SPRINGS ROAD, APN 082-072-024.

WHEREAS, the applicant, Jay Virk (d.b.a. Mi Barrio), has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 21 alcohol license for the off-sale of general alcohol, for Mi Barrio located at 403 North Mercy Springs Road, Assessor's Parcel Number: 082-072-024; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on November 16, 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 duly noticed 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 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2018-14 for Mi Barrio was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

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 affirm the determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and recommends the approval of Conditional Use Permit #2018-14 to the Los Banos City Council to allow the off-sale of general alcohol, Type 21, located at 403 North Mercey Springs Road, APN 082-072-024, 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 27th day of November 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:

Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2018-14 – MI BARRIO

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2018-14 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the off-sale of general alcohol involves the permitting and licensing of an existing private structure and involves no expansion at 403 North Mercey Springs Road APN 082-072-024.
2. Conditional Use Permit #2018-14 was adequately noticed on November 16, 2018, for consideration at a public meeting on November 27, 2018.
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 FOR CONDITIONAL USE PERMIT #2018-14 –MI BARRIO

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

1. General Findings:

- a. The project is consistent with the City of Los Banos General Plan.

The existing General Plan land use designation for the project site is Commercial, which is intended for commercial development, located off of North Mercey Springs Road, allowing for commercial uses.

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-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.

Evidence/Analysis: Jay Virk (d.b.a. Mi Barrio) will have the ability to provide a wider range of service for customers and allows the convenience store/ gas station to compete with similar type businesses. The proposed use would continue a commercial use that is compatible with and complementary of existing commercial uses adjacent to the project site. 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 Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9, Chapter 3, Article 13 as the use will be consistent with the surrounding area, adjacent uses, and function are primarily commercial in nature. A convenience store/ gas station providing for the off-sale of general alcohol is permitted in this location.

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 off-sale of general alcohol will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the store is located. The project contains conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

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

Evidence/Analysis: The proposed use will be conducted in the location in which commercial retail uses to operate and will not result in significant operational changes to the existing commercial area. The areas function and character is Commercial, which includes uses that sell alcohol. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

2. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: The primary use in conjunction with the selling general alcohol for off-site consumption is a convenience store/ gas station. As reflected in the staff report, the number of off-sale licenses in the Census Tract is currently three (3). This proposal will not increase the amount of active licenses as this proposal will void out the existing Type

20 license as the Type 21 license is approved. The census tract area and function is primarily commercial in nature, and is entirely consistent with a convenience store/ gas station and the sale of general alcohol for off-site consumption. The proposed off-sale of general alcohol is complementary to the convenience store/ gas station use that is compatible with and complementary of existing commercial uses in the area. The project would include conditions of approval which regulate the operational characteristics of allowing the selling of general alcohol for off-site consumption and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering. Staff is unaware of any significant problems in the area related to crime and loitering, which would be negatively affected by the off-sale of general alcohol at this location.

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: Conditions of Approval have been incorporated into the project which regulate the operational characteristics of allowing the selling of general alcohol for off-site consumption and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity. The project is located within the immediate vicinity of a place of worship, however with the applied conditions of approval, the proposal will not create any type adverse effect..

3. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: Alcohol will not be allowed to be consumed on the premises of the convenience store/ gas station at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Signage will also be provided on the property and building which prohibit loitering. It is not anticipated that the off-sale of general alcohol at this location will adversely affect any important pedestrian right of ways.

4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: There are residential units in the immediate vicinity of the project site. The project site is on located on the northern portion of

Overland Avenue and will not directly impact the existing residential uses as Overland Avenue separates the uses. The project will include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. Therefore, the proposed use will not disrupt sleeping activities to the neighboring residences.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2018-14- MI BARRIO

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.
2. Conditional Use Permit 2018-14 is for Jay Virk (d.b.a. Mi Barrio) located at 403 North Mercey Springs Road, Assessor's Parcel Number: 082-072-024, and the requested use shall automatically and without notice expire after one (1) year from date of approval by the Los Banos City Council unless commenced. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or significant change to the primary use and 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. The Conditional Use Permit shall automatically and without notice expire one year after discontinuance of the primary use and/or the uses approved under the Conditional Use Permit.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 21 "off-sale of general alcohol" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Community and Economic Development Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the exterior of the premises free of litter and trash at all times including the parking lot areas in front of the premises. No storage of equipment, supplies, or merchandise of any kind shall be allowed in the front or rear exterior of the building. All deliveries shall be made from the rear of the building.
7. The Planning Commission reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The

City may amend or impose new conditions to mitigate adverse effects in the neighborhood resulting from the use of alcohol on the premises.

8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including parking lot areas (front and rear), shall be sufficiently illuminated, to the satisfaction of the Police Chief, 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.
10. The premises shall be operated primarily as a convenience store/ gas station as described in the application prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Conditional Use Permit. The applicant shall notify the Community and Economic Development Department of any substantial or significant changes in use or operation of the premises from the Operational Statement. The onsite consumption of alcohol is prohibited.
11. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
12. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code continue to be valid upon change of ownership of the site or structure which was the subject of the Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met. The applicant shall immediately notify the Community and Economic Development Department of any changes in ownership.
13. 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.
14. Consumption of alcohol shall not be allowed on the premises of the convenience store/ gas station.
 15. No loud amplification of music or voice shall be allowed outside.
 16. The applicant/operator shall have monitoring cameras in the exterior and interior of the convenience store/ gas station at all times to the satisfaction and approval of the Police Chief. 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.
 17. The premises shall be operated in accordance with the Los Banos Municipal Code Noise Ordinance.
 18. The applicant shall acknowledge and execute receipt of a copy of the foregoing Conditions of Approval.
 19. The applicant/operator shall provide signs prohibiting loitering on the property and/or building subject to the approval of the Community and Economic Development Director.
 20. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**



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6pk

PACIFIC
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12 Packs

Modelo
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Synergy
Win a trip to the
2018 NBA Finals.

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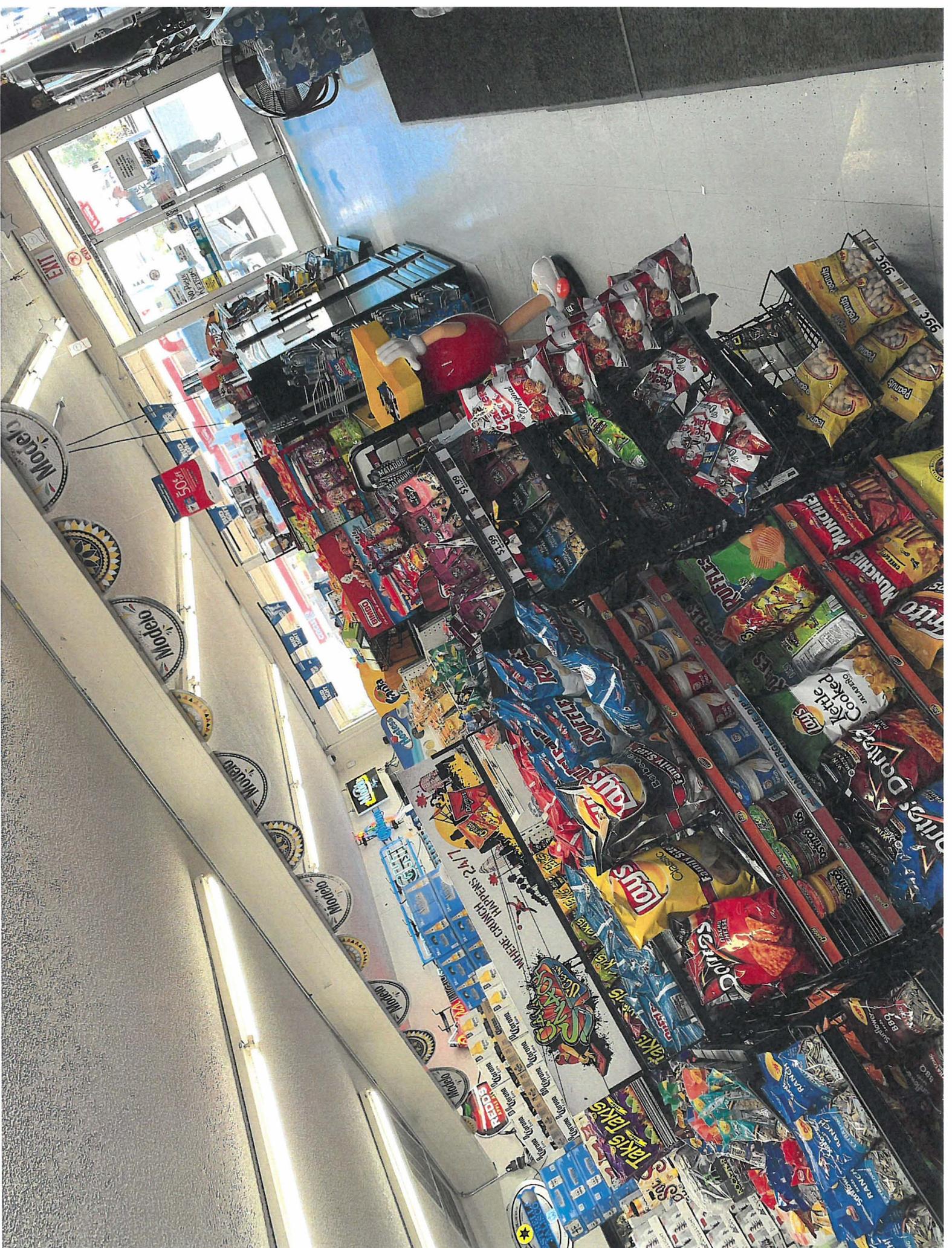
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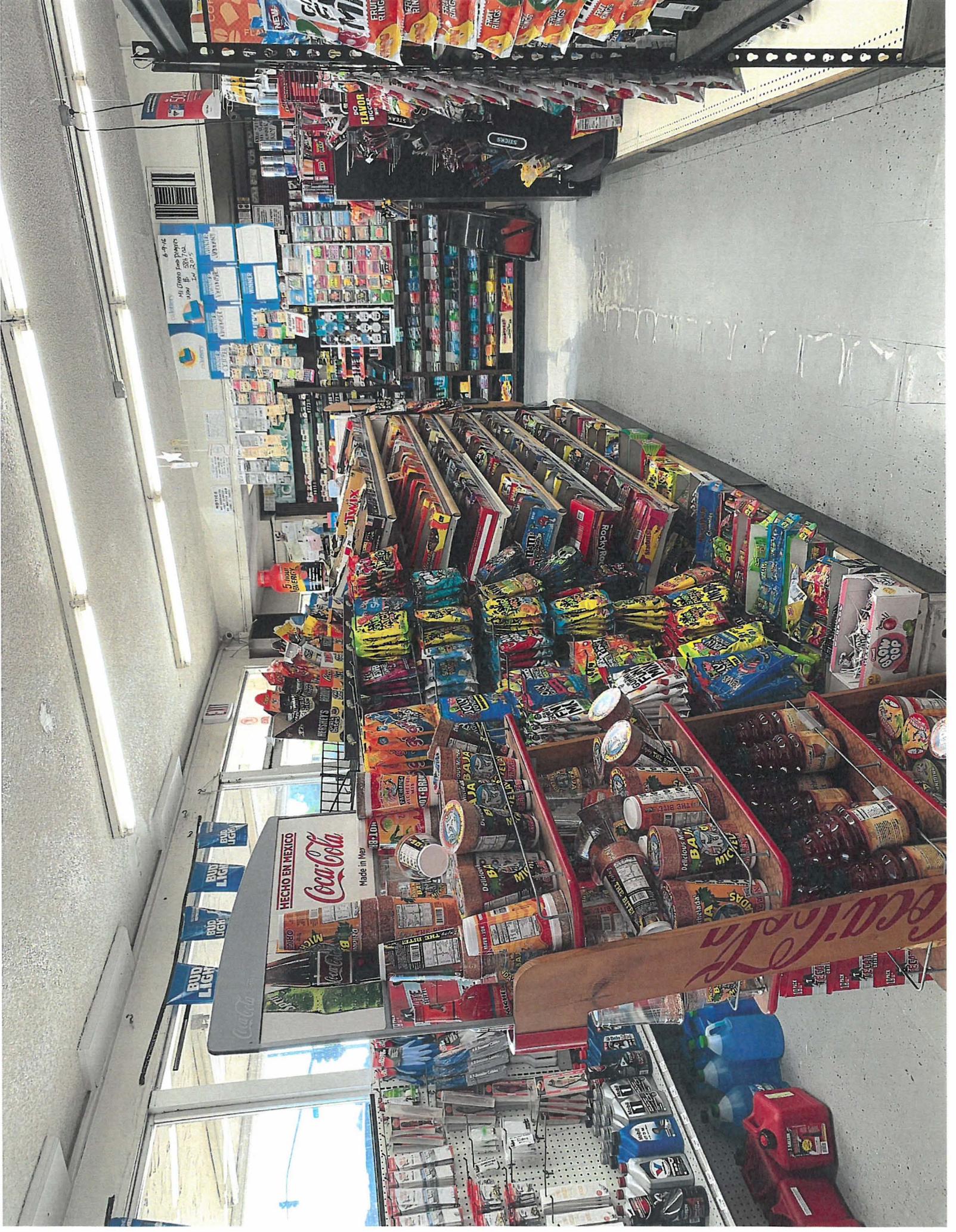
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City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 16, 2018

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-14 – Type 21 Alcohol License

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 of a Type 21 Alcohol License for the off-sale of general alcohol. The requested Conditional Use Permit is for Mi Barrio located at 403 Mercey Springs Road, more specifically identified as Assessor's Parcel Number 082-072-024.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Tuesday, November 27, 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